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AN Apologeticall Relation,

Of the particular sufferings of the faithfull Ministers & professours of the Church of Scotland, since Auguſt. 1660.

Wherein severall questions, usefull for the time, are discussed: The King's preroragative over Parliaments & people soberly enquired into: The lawfulnes of defensive war cleared. The supreme Magistrats power in Church matters examined, *Mr Stilling fleet's*, notion concerning the divine right of formes of Church Government, considered. The author of the seasonable case answered, other particulars, such as the hearing of the Curats, appearing before the high commission court, &c. canvassed.

Together with the rise reigne & ruine of the former Prelats in Scotland. Being.

A brieff account from History, of the Government of the Church of Scotland, from the beginning, & of the many troubles which Prelats have created to her, first & last.

For satisfaction of strangers & incouragement of present sufferers.

By a well wisher to the good old cause.

JER. 50: 34. *Their Redeemer is strong. The Lord of hosts is his name he shall thorowly plead their cause, that he may give rest to the land, & disquiet the inhabitants of Babylon.*

MIC. 7: 9, 10. *I will bear the indignation of the Lord because I have sinned against him, untill he plead my cause, & execute Judgement for me, he will bring me fourth to light, & I shall behold his righteousnes: then shee that is mine enemy shall see it, & shame shall cover her, which said unto me where is the Lord thy God? Mine eyes shall behold her, now shall she be trodden down as the mire of the streets.*

ISA. 51: 22, 23. *Thus saith the Lord thy God that pleadeth the cause of his people, Behold I have taken out of thine hand the cup of trembling, even the dregs of the cup of my fury, thou shalt no more drink it again. But I will put it into the hand of them who afflict thee, which have said to thy soule, bow down that we may goe over, & thou hast laid thy body as the ground, & as the street to them that went over.*

by John Brown.

Printed in the Yeer. 1665.

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The Epistle to the READER.

Christian Reader.

his is a time wherein little or nothing is heard from the Churches of Christ all the world over, but lamentation & woe; partly by reason of grievous afflictions & sore persecution (which is none of the worst conditions) & partly by reason of woefull and shamefull defection, & falling from former zeale & inregrity, occasioned either by the temptations which usually attend sharpe tryalls of affliction (whereby the weakness of many, & perverseness of heart in most, is discovered) Or, without any such force of externall temptation, from an inward decay of life & love, & wearying of God & his wayes (the Worst condition that a Church can be in) which is now the Epidemicall plague of this age. Hence it is that the Lord seemeth to be angry with all, & ready to reject some of his Churches, which to him

are as a generation of his wrath. Have not his people set up their abominations, in the house which is called by his name to pollute it? And may it not be feared that the curse shall devoure the earth, & they that dwell therein shall be made desolate, because they have transgressed the lawes, changed the ordinances, & broken the everlasting Covenant? There appeareth now hanging over the head of the poor little flock of Christ, a black & dreadfull cloud threatning no lesse then utter ruine, & overthrow, or at least speaking a loude alarme for awaking the secure & sleeping Bride. It is most sad to behold, how little the Churches of Christ in every place, are affected with this imminent stroke, ready to light on all: & to see some of them quiet & at rest, singing *a requiem* to themselves, as if (though dispensations from the Lord, doe speak the contrary to all who will but open their eyes) their mountaine stood so strong, as never to be moved. This deadnes & deepe security, when all things speak an approaching storme (as it doth evidence a great Judgement & spirituall plague from God, upon the Spirits of people; so it) doth presage no less then remedilesse ruine, if God, in the riches of his mercy, prevent it not. What a dreadfull night of confusion & astonishment must be at hand, when there is such blackness without, And such deadnes & prodigious security within? Are not the enemies of the Church as *Gebal*, *Ammon*, *Amalek*, *The Philistines & those of Tyre*, *Assur*, & the Children of *Lot* (who are early & late at their master's work) devising & plotting the ruine & destruction of the interest & Kingdome of Christ? Are they not all combined together, & acted with the same Spirit of *Antichrist*, for this very end & purpose, to helpe forward, as with one shoulder, & to raise up his fallen interest, & heale his wound? And are they not setting themselves to thrust King *Jesus* from his throne, to put the crowne from his head, & the scepter out of his hand, & so to prey upon, & devour his little flock, that, if it were possible, they should be no more a nation, nor their name remembered any more? And are they not about the swallowing up of the protestant interest, as in a moment? And what is the Church of Christ doing, all this while? Doth she

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ſtir up her ſelfe to call upon her head & husband, or to awake the watch man of Iſreal, who neither ſlumbereth nor ſleepeth? Is she upon her watch-tower, looking out & guarding againſt the approaching enemy, or obſerving his motions? Ah not ſo! She is faſt a ſleepe, while the enemy is within the walls. And which is more ſad & lamentable, with her own hands, she hath helped to make the breach in the wall, at which the enemy hath entered, & now hath faire advantage given him, to accomplish his bloody deſigne againſt the proteſtant cauſe & intereſt. (So little hath she gained, by her ſinfull compliance with the opinions & practiſes of Antichriſtian men, whether through baſe feare, or carnall prudence) even the cutting of it off, And the bringing of his people back againe unto Babylon. Who knoweth, but (though the Lord's enemies shall at laſt be troden under, as ſtraw for the dunghill, & he shall ſpread forth his hands in the midſt of them, as he that ſwimmeth ſpreadeth forth his hands to ſwim, bring down their pride together with the ſpoiles of their hands, lay low in the duſt, & bring to the ground, even the high fortreſſe of their wall, & ſo make all his enemies know that there is a King in *Zion* who shall & muſt reigne untill all his foes be made his footſtoole) the onely wiſe God, who knoweth how to turne every thing to the beſt, may ſuffer the adverſaries to proſper in their device & deſigne, & ſo give up many of the people called by his name, to the ſword of the enemy, that others may be alarmed & awaked from their ſleep, & put to their prayers, even to calling upon God with their whole heart & not fainedly? O that they were wiſe, & would ſpeedily prevent this deadly blow by repentance, & by ſerious conſidering how they have fallen from their firſt love, & have forgotten their firſt workes! O that they would think of returning to the moſt high, with faſting weeping & mourning, renting their hearts & not their garments, of turning unto the Lord their God who is gracious & mercifull, ſlow to anger, & of great Kindneſs & repenteth him of the evill! However his people are called to minde that word, Iſa. 26: 20: 22. *Come my people enter thou into thy chamber, & ſhut thy doores about thee,*

hide thy self as it were for a little moment untill the indignation be over past; for behold the Lord cometh out of his place, to punish the inhabitants of the earth for their iniquity. The earth also shall disclose her blood, & shall no more cover her slain.

In these following sheets, there is some account given thee, of the sad & deplorable condition of the Church of *Christ* in *Scotland*. It is wonderfull to see how variously Satan doth assault the Churches of God, some one way, some another: That crafty & cunning adversary, doth suite his baits & snares to the severall complexions of people & Churches, against which he opposeth himselfe: Some have the tryall of cruel mockings, & scourgings: others meet with bonds & imprisonment, and others with triall of some other Kinde; Against some, Satan doth raise cruel & bloody persecutions, others he endeavoureth to draw away from their stedfastnes & zeale, by ensnarging allurements: a third sort he invadeth with all his troupes & forces at once: And thus is the lately glorious Church of Scotland tried this day. Upon the one hand he raiseth up against her, men of corrupt mindes destitute of the truth, who make sharpe their tounges like a Serpent, & under whose lips is the poison of adders. These have vented & doe vent most bitter slanders & reproaches against her, & the way of reformation, which the hand of God wrought in her: On the other hand, he hath raised within her, a most cruel persecution by a popish prelaticall & malignant party, setting them on with rage, against all who desire to keepe themselves unspotted, & free of the contagions of this evill time, forceing some by cruel & sore persecution, & ensnareing others, that are more simple, deceiving & drawing them into their net; & thereby causing many to comply with them in their wicked wayes, & to run with them unto the same excesse of sin & wickednes. Yet hitherto till (for which, the name of the Lord is alone to be Magnified) the designes & devices of these *Matchiavellian Ahitophels*, & bloody persecuters have not taken such effect, as they either wished or expected. It is true, many (Alas! too too many) have been carried away with the streame, and willingly walked after the commandement, to the great dishonour of God, amazement

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of nations about, rejoycing of the heart of the ungodly, & to the great ſtumbling & grief, of the truely tender & godly in that land, ſo as the defection of that Church may be matter of aſtoniſhment to the preſent & after generations: Yet it is her mercy that there are not a few in her, whom conſcience, & Chriſtian tenderneſs in their walke, hath expoſed to ſad ſufferings who thorow grace have reſolved to keep their garments cleane; & to preferre the peace of a good conſcience, to all the treaſures of *Egypt*, holding faith & a good conſcience, of which many make ſhipwrack, & in the Lord their maſter's ſtrength, to hold faſt their integrity, & to maintaine their ground, though bonds & afflictions ſhould abide them: The juſtification & defence of ſuch, is the intended ſcope of this following treatiſe; Which how well managed is left to thy diſcretion to Judge.

It is like, ſuch a worthy & noble cauſe may ſuffer prejudice through the weakneſs of him who here doth appeare in its defence, wherefore it is wished that ſome more able pen be engadged in this worke, for clearing to the world the preſent ſad caſe of that Church, And vindicating her from aſperſions & calumnies, which her adverſaries laboure to faſten upon her. To ſpeak in the juſtification of ſuch a mother, would well become the moſt eminent of her Children; It would be ſo far from being below them, & a diſparagement, that they might juſtly account it their glory, to lay out themſelves in the out moſt of their ſtrength & parts, for the defence of ſuch a cauſe, when ſo few doe avow, & openly declare their owning of, & adherence to it: But untill the Lord ſhall be pleaſed to ſtir up & ſet on worke ſome more able, & to prompt them with a ſpirit of zeale & courage for ſuch an undertaking, thou muſt reſt ſatiſfied with this poor eſſay, for the time. Only thou mayeſt give charity to the author, that it was not his intention to wronge, in the leaſt, ſo glorious a cauſe; But ſeeing none elſe did undertake or appeare in it (for any thing known to him) He deſired, in a few words (that ſomething (though it ſhould prove little better then nothing) might be ſaid in & for it) to make it known how worthy it were the thoughts & paines of a more able head & hand, to deale in.

Many, It is like, will be the exceptions taken at this piece, & moe then can now either be thought upon or obviated, ſuch as are moſt obvious, wee ſhall endeavour to remove, by briefly touching & anſwering them.

Some may think it ſtrange, that a piece of this nature, intended, as appeareth from its ſtraine, for ſatisfaction, of Churches abroad, cometh not forth in a latine-dreſſe. It is true, it was intended at firſt, & ſo moulded & drawn up, as it might be published to the world in latine, for the ſatisfying of ſtrangers & Churches abroad: But upon ſecond thoughts, When the caſe of the ſuffering people in that Church & Kingdome was conſidered; It was thought expedient, that it ſhould firſt be published in English; That ſuch as had hithertil valiantly reſiſted, to the loſſe of their meanes & liberty, might be ſtrengthened & confirmed in their reſolution. And the more encouraged to endure afflictions when they ſhould ſee that they did ſuffer for righteouſneſs ſake, & that they were called thereto of God: & that others might be quickened to follow their footſteps who had ſo cheerfully gone before them in the way, Having hereby their doubts cleared, ſcruples removed, & their judgements convinced in the point of duety: & this was found even neceſſary at ſuch a time, when their temptations did abound, their faintings were like to grow; & when ſuch as were able to give advice in difficult caſes, & to encourage the weak, were thruſt away. So the conſulting of their preſent neceſſity did haſten it forth in this dreſſe: Beſides, that many both in England, & Ireland, may receive information & edification hereby, of which they ſhould have been deprived, if it had been published in latine. Afterward, if it be thought neceſſary & expedient, this or ſome other, may be published to the world in Latine, with leſſe prejudice to the preſent ſufferers.

Next, ſome may think that ſeverall queſtions here handled, might have been forborne, eſpecially ſuch as touch upon the civil Magiſtrat his power & prerogative, ſeing in all probability he ſhall be the more enraged thereby. It is true, Higher powers will not take well ſuch free & round dealing: But what remedy is there? *Amicus Plato, Amicus Socrates, ſed magis amica veritas*: & it had been a juſt ground of offence, If

to pleaſe the higher powers, truth had been betrayed, when neceſſity did call for witneſſing unto it: The intereſt of Chriſt is much more to be valued, Then the pretended & imaginary intereſts of the higheſt powers on earth. The work of God ought to be juſtified, who ever be offended therewith; And when many of the Lords worthy & pretious ones, have adventured, & layd downe their lives, in the carrying on of ſuch a work (unto which they were called of God) can it give juſt offence to any, to heare it now pleaded for, becauſe it is maligned & blaſphemed, yea ſuch an eſſay as this in defence & juſtification thereof at ſuch a time, ſhould in reaſon be accounted the more ſeaſonable & neceſſary. If there be any unbeſeeming expreſſions, or ſavouring of paſſion, theſe ſhall willingly be diſowned provideing that the cauſe ſuffer no prejudice thereby; knowing that the wrath of man worketh not the righteouſnes of God; And that no railing accuſation, or ſpeaking evill of dignities (which is condemned in the word) ought to be approved. Yea the reader ſhall find upon narrow ſearch, conſidering the matter, that much more plainneſſe & sharpeneſſe might have been uſed in ſuch a diſpute; And that as much inoffenſiveneſs hath been ſtudied, as might be, without hurt to the cauſe. And that purpoſely many particulars, which might have been mentioned, have beene paſſed by: And that no particulars have been pitched upon, but ſuch as are ſtill upon record in their printed Acts, or were publickly acted & concluded in their publick meetings: And as to theſe conſequences drawn from their Acts & actings, which appeare dangerous & deſtructive to the throne, let ſuch as have laid the foundation in the premiſes ſee to that, *ex veris nil niſi verum*: Who give twice two, cannot be juſtly offended with any who ſhall thence conclude that they give foure; & whether the Conſequences be cleare & undenyable or not, the reader now hath it before him to judge: As to the Kings ſupremacy in Church matters, no truely reformed divine, can juſtly take any exception againſt that which is here ſpoken upon that head. The priviledges of the crowne & ſcepter of chriſt should be highly valued, & earneſtly contended for, by all, who call & account themſelves Chriſtians; & a diſ-

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course or debate on that subject cannot but be accounted necessary at this time, when the powers of the earth (as would appeare) have combined together to rob Christ of his crowne & to share his priviledges amongst themselves, to the great scandall of the Gospel, & prejudice of the Kingdome & interest of Christ in souls, & through the world.

Further, it is like, some would have wished, that the historical part contained in the first & second sections, had been much more large. Such may know that brevity was studied as much as could be, all alongs, yea so much, that, it may be feared, the reader shall thinke it the more unpleasant in reading: & that the scope, & intendment of that part of the tractate, was only to give a hint of the many & various troubles, which prelats from the beginning had created unto that Church, & by what steps & wayes she was brought under their yoke: so that a large history could not be expected: It is true, such a worke as that would be both most seasonable & usefull in this juncture of time; And it were to be wished; that such as have the History penned by the learned & industrious *Mr Calderwood*; would think upon the most ready & effectuall way for publishing it, that the world may have a full clear & satisfactory view of the many tossings, which that poor Church hath endured, & the many wrestlings which she had with a popish, prelaticall & malignant party from the beginning: Meanwhile *Mr Knox*, & *Mr Petree* their Histories, *Vindiciæ Epistolæ Philadelphi* Printed with *altare damascenum* Mr *Spang's Historia motuum* &c. the *Nullity of perth assembly*, the *course of conformity*, & such other printed pieces, together with the *Printed Acts of generall assemblies* since the yeer 1638. will give some light to such as peruse the same.

Many no doubt will think it strange, that there is no mention made, here, of the sufferings of that worthy & renowned instrument of the worke of reformation, the zealous & faithfull *Lord Waristoun*. As to this, the reader may know, that this was occasioned onely, through the want of a full information of his case, & of the grounds on which the Parl. did goe, in takeing away his life, & condemning him to death as some notorious malefactour, to be hanged; & his head fixed on the port of

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Edinburgh near to the head of worthy & famous *Mr Guthry*; who speaketh when dead. This know that after the King's returne to *England*, And after the imprisonment of the truely noble Marquis *of Argyle* in the Tower of *London*, he sent orders to *Scotland*, to cause apprehend him, & some others; but he, receiveing intelligence hereof, did withdraw, & by the good hand of God was secretly conveighed out of the Kingdome; upon which, the Parliament when assembled did declare him fugitive, So that he was necessitated still to withdraw, knowing, that for the good service he had done to Christ, evill was determined against him, if he should fall into their hands; which afterward came to passe. It is certaine also, that while he was abroad at *Hamburgh*, & visited with sore sicknes, one Dr *Bates* (one of the King's Philitians, worthy to be cast unto the bates, rather then to live amongst Christians) Intending to kill him (contrary to his faith & office) did prescribe unto him poison for Physick, and then caused draw from this Melancholy-Patient, sixty unces of blood, whereby (though the Lord did wonderfully preserve his life) he was brought neer the gates of death, & made in a manner no man, Having lost his memory, so that he could not remember what he had done or said a quarter of an houre before: In which condition he continued till his dying day: but all this did not satisfy his cruel & bloodthirsting enemies, he was sought after carefully, & at length given up, & apprehended at *Rowan* in *France*, & sent to *England*; where he did continue a prisoner in the Towre of *London* untill the last session of Parl. in *Scotland Anno* 1663. Where, even when he was not able to speak in his own defence (being to the conviction of his adversaries no man, far, & much different from that Lord *Warristoun*, who sometime could not only have beene a member, but a president of any judicatory in *Europe*, & have spoken for the cause & interest of Christ before Kings, to the stopping of the mouths of gainsayers He was triumphed over, particularly by the Archprelat *Sharp*, who then with the black crue of his false brotherhood did sit in Parliament, as constituting the third Estate. And was condemned to die in the manner aboyementioned; So that, that Parliament which was conse-

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crated with the blood of two Noble witnesses in the entry, was shut up and closed with the blood & death of this worthy witnesse. But (which is to be remembered with admiration) behold, this half dead man, when the day of his death came, had a wonderfull reviving, & was, beyond the expectation of all, graciously visited, & mightyly assisted of God (hearing the many prayers of his people put up in his behalf) So as hee gave a noble testimony to that honourable cause & worke (In carrying on of which, he had been honoured of God to be a worthy instrument, from the beginning) And Christ triumphed in him, over all his enemies, that watched for his halting, as the reader may see, by his speech & carriage on the scaffold, set down in Print: But he may have, hereafter, more full satisfaction, both concerning him, the *Noble Marquis* of *Argile* & famous Mr *Guthry*, when the world shall see their Processes, & their defences in Print, or when these following sheets shall be reprinted (if that shall be thought expedient & necessary, not only for these now mentioned particulars; but also for further explaineing, confirming & vindicating of any, or all of the rest of the purposes here spoken to) after fuller information had in those particulars. Till then let the reader rest satisfied, with the hints that are given here, & in the following sheets, of the case & carriage of those worthies, & pardone what is spoken, short & unsuitable to their worth.

As to those who have appeared before the High commission court, (induced thereto by the evil counsell of some others, or the not thorow & narrow examination of the complex-case, as circumstantiated, or being otherwayes circumvented) And are now suffering upon some other account, wherein they found more clearnes & satisfaction: And as to others also, who have not fully seen the evill of some things, which in the following debate are clearly demonstrated to be sinfull, & yet as to other particulars are endeavouring to keep their former integrity, & to guaird against complyance: Let none of those think that any thing, here, is said intentionally to put them to shame, or to proclame, before the world, their weakness & defection, or to make glad the heart of the wicked; for if

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there had been any other way for vindicating such as doe suffer upon the account of these particulars, and for preventing the fall of others into the same snare; this way had never been made choise of; & therefore seeing nothing is said upon any sinfull or siniſter designe, these brethren & Christians, will take this smiting as a Kindness, & these reproofs as an excellent oyle that will not break the head, They will not take in evil part, the discovery here made; They are of another spirit, then to be embittered, at such free & full liping up of the evils of the course which many in this house of darkness do follow: Yea it cannot but be hoped & certainly expected, that such as truely feare the Lord, will blesse his name, with all their heart, for such things made known to them, that in time they may repent of the same, & see cause of wondering at his goodness, & mercy in not leaving them to themselves, in other particulars of tryall, notwithstanding of their failing of duty, in that their begun tryall; And who knoweth but serious mourning and repenting before the Lord, for fainting so far, would open a doore for a great in-come of joy and consolation to the sweetning of the bitterness of suffering, & to the strengthning and bearing up of their soules under their mighty pressures: So then the designe both *Operantis* & *Operis* being good, let no tender Christian be displeased with the way of the prosecution of these particulars, or think that there is too much sharpness used, & that the consequences are drawn too strait; For if in the Particulars themselves, truth be maintained (as may be supposed, will be granted) the arguments made use of, can give no just offence, especially such as are drawn from the Covenants which now are trampled upon by this sinfull & backsliding Generation, upon which many (otherwise not ill minded) think not much, especially now, when it is reckoned a crime once to name them as standing in force & obligeing the lands: And when the Spirit of these who carry on with violence this woefull course of defection, are so enraged at the same, that they cannot endure to heare a Covenant so much as named, though it were even the Covenant of grace. This, however incredible it

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may seeme to be, & will hardly be received by a Christian eare is a well known truth. Now at such a time to put people in minde of their ingagements unto God, & to discover how such & such practises are contrary to their Covenant obligations & vowes, cannot justly be condemned, but approved of all who desire to stand fast in this houre of temptation.

It is beyond all question, the Particulars here asserted shall meet with much contradiction from men of corrupt mindes, whose principles will lead them to oppose what here is spoken in vindication of truth, & of the honest sufferers of Christ: And upon that account it may be expected that the same honour shall be done to this, which hath been done to other more worthy pieces, viz. that it shall be committed to the fire, there to receive a quick dispatch & answer, which will be so far from lessening the credit of the booke, that it will render it much more desireable, & confirme the weake concerning the truth of the Particulars here spoken to, & of the unanswerableness of the arguments here made use of; & so the authors expectation shall be fully answered. But if they shall doe it the justice, to commit it to examiners one or moe, who with sobriety & moderation, shall publish their exceptions to the contrary, & shall examine these papers by the word of God, right reason, & the fundamentall & municipall lawes of *Scotland*; the particulars here spoken to, shall be revindicated, The Lord granting life, strength & liberty, from all their exceptions. Only let not such as undertake this taske, improve the advantage of authority (now on their side) so far, as to doe nothing but raile at randome, & stuff their reply with unbeseeming (to say no worse) And Unchristian expressions, & outcries of *treason*, *treason*; for in that case, it will be thought expedient not to answer such in their folly. A good cause is a mighty second to a weak man. And so being perswaded that the cause is noble & just, much owned & honoured of God; There is the greater ground of hope that God will helpe such as shall undertake the defence thereof: & the cavils of men (who may be looked upon as *αὐτοκατάκριτοι* in most of these particulars) are the lesse to be feared.

But Christian reader, what entertainment so ever it shall have with these, who have out lived their zeale & integrity, & have shamefully declined in the day of tryall, And have betrayed the cause & interest of Christ, & therefore shall looke upon themselves as not a little concerned herein, & pinched hereby, being unwilling to have their evils ript up, & laid open to the view of the world; Let it have a Christian entertainment with thee: & though it come late to thy hands (through the injurie of the times) let it not be the lesse welcome: If the Lord shall be pleased to blesse it, it may be of use for thy strengthning in this growing storme, upon severall accounts & grounds, whereof I hint but a few.

1. By what is said here, thou mayest see that the cause thou sufferest for, is the good old cause: That same Spirit which acted the Prelats & other enemies of the Church of *Scotland* from the beginning, is now raging in her present enemies: The same designe is & hath been endeavoured & driven on, all a longs. How various so ever the pretexts & colours have been under which they have sought to cover themselves, the covering hath proved too narrow for them; first prelacy & then popery was intend first & last. It is the same cause, in the defence of which, Christs worthies of old did act & suffer, so long as they could stand, & in the defence whereof, they were not afrayed to beare the displeasure of King & court, & to hazard life & liberty, & all which was dear unto them: If then the same Spirit doth act & worke in the enemies of the Church now, which did act & worke in their predecessours of old, pray thou that the same Spirit of God, may act thee & all the faithfull of the land, which did appeare in the worthy & valiant Champions of old, whether thou be called to act or suffer for his sake.

2. Thou mayest know from what is here related, that the cause for which thou art now suffering, was brought very low before these times, And that the adversaries thereof have often got up to a great height, yet the good cause hath got above them: And how Acts of Parliament, one after another, & all the devices of the adversary, to seale the grave, And to make it sure, could not keep this cause of Christ from a glorious resurrection;

many,

Many a time have they afflicted me from my youth (might the Church of *Scotland* then have ſaid) many a time have they afflicted me from my youth, yet have they not prevailed againſt me. The plowers plowed upon my back, & made long their furrowes, The Lord is righteous, he hath cut aſunder the coards of the wicked. And ſhall it not yet hold true, that all they who hate Zion ſhall be confounded & turned back, & be made as the graſſe upon the houſe topes, which withereth before it be grown up? There is no cauſe of deſpondency of ſpirit, or of giving over the cauſe as loſt: there is hope in Iſrael concerning this matter, his people may ſtill hope & truſt in his name, who hath wrought ſalvation of old. He who did put that wicked party to ſhame & confuſion of face, in former times, & made the name of Prelats to ſtink, & their poſterity to be as curſed vagabonds wandering up & down, bearing the marks of god's diſpleaſure, ſtill liveth & reigneth, & doth no more approve of the Ungodly of this generation, Nor of their more then barbarous carriage, who have laboured to out ſtrip their predeceſſours in perfidious treachery; Then he did them, who of old did ſet themſelves againſt the Lord & his Chriſt, yea much leſſe: It is true, the men of this generation think they have pins for ſtopping of ſuch holes, which their predeceſſours could not ſtop; but he who ſitteth in the heavens doth laugh at them, & hath them in deriſion; He ſeeth that their day is coming. It is eaſie with him, to cauſe the ſword which they have drawn to ſlay ſuch as are of upright converſation, enter into their own hearts; & to break the bowes which they have bent to caſt down the poor & needy; Our God liveth, & reigneth & ſhall reigne, let Kings of clay rage as they will. Therefore caſt not away your confidence which hath a great recompence of reward, for yee have need of patience that after ye have done the will of God ye may receive the promiſe; For yet a little while & he that ſhall come, will come, & will not tarry.

3. Thou mayeſt ſee, that this cauſe & work, againſt which the wicked have conſpired & ſet themſelves, hath been ſignally owned & approved of by the Lord, for which he hath fought, & his right hand done valiantly, & whereby he hath got him-

ſelf

ſelf a name among the nations: And who knoweth what God will yet doe for his great name, which, in this day of rebuke & blaſphemy, is greatly reproached? Hath he begun & will he not finish his worke? It is true, the provocations of his people doe keep them long in the wildernes; yet he who hath frequently wrought for his names ſake, that it should not be blaſphemed amongſt the heathen, will ſtill be tender of the ſame: & ſith, at this day, there is much blaſphemy belched forth, by perſons of all ranks againſt the great & glorious works of God, as much if not more, then at any time or in any age, wherein hath been leſſe light; The people of God need not be hopeleſſe, much leſſe conclude, That God who is jealous of his own glory, & will not give it to another, will ſuffer it now to be given to the devil, on whom his work is fathered: But rather will certanely be avenged on thoſe prodigiouſly & unparallelably impious & ſacrilegious perſons. How dreadfull a thing is it, to ſay that Chriſt caſteth out devils, by *Beelzebub* the prince of devils!

4. Thou mayeſt ſee clearly, that the cauſe, for which thou doſt now ſuffer is the cauſe of Chriſt: His enemies would pul the crown from off his head, & the ſcepter out of his hand, & by this meanes, make him no King in & over his Church, & conſequently no mediatour; For as mediatour, he is a King in & over his Kingdome, that is his Church, in which he dwelleth, & over which he ruleth with his ſcepter of righteouſneſſe. They will not have his Kingdome, a free Kingdome, & conſequently they will not have him a free King. They will not allow to him, the liberty of appoynting or inſtituteing his own officers, or to rule his Kingdome by his owne lawes, courts ordinances, & cenſures; Nor will they ſuffer Church-adminiſtrations, to be performed in his name & authority, as, in reaſon, they ought to be, if he be King & head of his Church. He muſt have no more liberty to exerce his juriſdiction, by the Miniſtery of his inferiour officers, within their dominions & territories, then ſeemeth good in their eyes. The diſcipline of his houſe, muſt be exerced only in ſo far as they think

good

good to permit: And thus it is undenyable that they look on Christ as an evil neighbour, & as no good friend to *Cæsar*: They think his Kingdom is of this world, & therefore it must have no place within any of their Kingdomes & territories. Thus thou seest, that, in end, the controversy cometh to this. Whether Christ, or man shall reigne in the Church, as head & supream Governour thereof: And whether the interest of Christ or of man shall be preferred: And to preferre the interest of a man unto the interest of Christ, hath heretofore been accounted malignancy of the deepest dye. But what shall become of this controversie, & how shall it end? Are they, or shall they be able to put our Lord from his throne, & out of his possession? No; he is set upon the holy hill *Zion* by a mighty hand, & his inheritance among the heathen is given to him, by a surer deed of gift, then that he should be so easily put from it: He hath a rod of yron that will dash in pieces, as a potters vessel, all his enemies, be they never so great, & mighty; He is too strong a party for all the potentats & mighty ones of the earth: & therefore, this which is the grand controversy of those times, shall & must be decided, in favours of those who stand upon Christ's side, & maintaine his right: he is a strong captaine, & will run thorow all the hosts of his adversaries: Christ's sufferers then, may rejoyce, what ever affliction they are or can be put to endure, for this cause, which is a cause that doth highly concerne Christ, the royall prerogatives of his crown & Kingdome, & his glory, as he is the only head of his Church; seing they may certanely expect the victory ere all be done; And seing (as famous & worthy Mr *Gillespy* in the preface to his *Aarons rode blossoming* sheweth) *This cause & truth that Iesus Christ is a King, & hath a Kingdome & Government in his Church, distinct from the Kingdoms of the world, and civil Government, hath this commendation and character above all other truthes, that Christ himself suffered to the death for it, and sealed it with his blood; For it may be observed from the story of his passion, that this was the only point of his accusation which was confessed, and avouched by himself,*

Joh.

Joh. 18:33,36,37. *and* Luk. 23:3. *was most aggravated prosecuted, and driven home by the jewes,* Luk. 23:2. Joh. 19: v. 12,15. *Was prevalent with* Pilat, *as the cause condemning him to die* Joh. 19:12,13. *And was mentioned also in the superscription upon his crosse,* Joh, 19, 19. *And although in reference to God, and in respect of satisfaction made to divine justice for our sinnes, his death was* λύτρον a price of redemption; *yet in reference to men who did persecute, accuse, and condemne him, his death was* μαρτύριον, a martyr's testimony; *sealing such a truth*; Thus he. Christ is a good second, & will not suffer any who contend for his crown, throne, scepter, privileges, & royall prerogatives of his Kingdom, to be put to the worse: If he pleade for any cause, we may be sure, he will plead for his own. Let not then his constant & valient sufferers feare; for greater is he who is with, & for them, then they who are against them: Christ alone is more their match & party against all Kings, princes, potentats, Parliaments, popes, prelats, Kingdomes, & armyes; Yea & all the *Posse* of devils & men: Therefore they may be assured that he & his cause shall be victorious; For he must reigne untill all his enemies be made his foot stool.

5. Thou mayest see, That the truth for which thou dost suffer, is a truth which is after godlinesse, tending to the promoveing of piety, & of the power of godlinesse: Whileas the contrary cause & course leadeth to all prophanity & debauchery, as experience doth this day evidently & undenyably prove: & this is no small ground of comfort; for the way which is not of, & for God, cannot stand: You may pray against your adversaries, as really wicked, driveing on a designe of wickednesse, which is evidently demonstrated by their acts & actings: Their enmity against, & opposition unto godly, faithfull, Zealous, & able conscientious Ministers of the Gospell, & unto Christian meetings & exercises; As also their pressing of Godly conscientious persons, unto perjury & blasphemy, which is the height of wickednesse; do put the matter beyond all doubt; And is not this enough to make thy soul

loath & ſtand a loof from theſe wayes; And to bleſſe God for his preſerving thy ſoull from their counſels & courſes, & ſo from partaking of their judgments, which doe certainly make haſte; For God is of purer eyes then to look upon iniquity; Therefore he will not alwayes look on theſe that deal treacherouſly, & hold his peace when the wicked devoureth the man, that is more righteous then he: The Lord hath ordained them for judgment, & the mighty God hath eſtabliſhed them for correction: when *Ageſilaus* did hear that *Tiſſaphernes* a captaine of *Perſia* had broken his Covenant which he had made with him, & was raiſeing an army to come againſt him, he was very glade, & ſaid *ſe magnam habere gratiam* Tiſſapherni, *quod perjurio ſuo, & deos & homines ſibi infenſos reddidiſſet, adverſe vero parti propitios*; *He thanked him heartily that by his perjury, he had made both God & man angry at himſelf & favourable to him and his cauſe*: & may not his people be perſwaded that God is, this day, diſpleaſed with the Covenant breakers, who are not ſatisfied with their own treacherous dealing & perfidiouſneſſe; but will have all others intangled in the ſame guilt?

6. Thou mayeſt ſee that Action, which is now ſo much branded with the vile & contemptible names of treachery & rebellion, I mean, Scotlands defending of it ſelf againſt its bloody enemies, cleared from all theſe imputations, & foule calumnies: changes of times make many Changes in peoples judgement; & at this time, it may be feared that many have Changed their opinion, becauſe they ſee the watter runing in another channell, then it did formerly, & are now ready to condemne theſe noble worthies & valient champions who jeoparded their lives unto the death, in the high places of the field, & have ſhed their blood in that cauſe; (which is a more grievous guilt then many do now apprehend.) But here thou ſeeſt how little cauſe there is for condemning that Action; Yea what neceſſity there was laid upon *Scotl.* to ſtand to their defence, as they would not have betrayed the cauſe & intereſt of Chriſt, which they were ſworne to maintaine according to their place & power, their lives, lands, poſſeſſions liberties as ſcottiſh men & as Chriſtians, into the

hands

hands of their implacable enemies. Were these valient worthies now living, who are gone off the stage with honour & credite, & hearing & seeing what they might now heare & see, how would they stand astonished at this degenerated generation, that so easily quite with that, which they did lose their blood & lives to purchase & obtaine; Yea & to see or heare the self same persons, who but twelue or Sixteen years ago were jeoparding their lives with them, for the same cause, either condemning that practice, or carrying themselves so indifferently now, as if these matters appeared but triffles, & not worth the contending for. Whosoever they be who now seem to be ashamed of that cause, & of themselves in contributeing their help for the promoveing of the same; It may be thought, that it was not conscience that moved them thereunto, but some other ends, otherwayes, their judgements would not so soon alter, seing there is no other argument now seen, but the winde changed from south to North, which dispensation useth not to worke much upon consciences, what ever it may do upon other principles. If the former generations had been of such a cowardish disposition how had *Scotland* been delivered? If they had walked upon no other principles, but such as would have changed, when the storme did beginne to blow upon their faces, where had the land been ere now? And if there be no other spirits in *Scotland*, this day, where, may it be imagined, shall that Church be found, ere long?

7. Thou mayest hereby be more enabled to disput againſt prelacy, then possibly thou was, having now seen how & what way it was brought in into the Church formerly, & how it is ushered in, today: And when it is established by force, over the Churches belly, how it proveth the bane of all Church order, piety & edification: And this is a strong argument to prevaile with such as have the root of the matter in them, & enough to make them question such a way, as no way of Christ's. To say, that the abuse of the power by such as are in possession of it, will not plead much againſt the power it self, will be of no force in

this caſe, where the *jus* of the power, cannot pretend heigher then to be *humanum*; And if its admirers should alledge that it is founded upon a *jus divinum*; Theſe neceſſary conſequences, as ſo many *propria quarto modo*, will ſufficiently ground an improbation; *Scotland* never ſaw prelates without ſuch a long traine of hellish conſequences diſcovering to any judicious eye, their riſe to be from below; And if the prelats now in place, had thought it of their concernment, they might have cut off that long taile, but it ſeemeth, if they had done ſo, they would have loſt ſomewhat that they thought eſſentiall to themſelves, & therefore, as if they had thought all the abuſe whereof their predeceſſours were guilty, was their too much lenity & forbearing to perſecute the godly & banish piety; They have made the poor Church feel that their little finger is heavier then the loynes of their forefathers: And ſo the argument of the vulgar, is confirmed with a witneſſe, & become more unanſwerable then ever.

8. Thou mayeſt likewiſe have arguments put into thy mouth, whereby to defend thine own practices, in ſtanding to thy former principles, & ſtope the mouth of thine adverſaries: before thou was willing to ſuffer for Chriſt & his intereſt, though thou could not diſput much for him & his truth, & that was a great evidence of love: And now thou mayeſt get ſome help in diſputing for the truth, by the arguments ſet down in the following sheets; And the few arguments which thou will finde there, may bring others to thy minde, & thus thou mayeſt be helped to meet thine adverſary, without fear.

9. But if theſe adverſaries be of ſuch a diſpoſition, as to take advantage of thy ſpeaking or argueing for truth, to bring thee into trouble, & therefore in prudence thou will think it beſt to keep ſilence: Thou mayeſt hereby be confirmed, in thine own minde, of the unlawfulneſſe of ſuch courſes, as the current of the times would draw thee unto, as it doth others; & how unjuſtly thou art perſecuted for refuſeing to comply with ſuch ſinfull wayes: And further, becauſe it is like, the malice of Satan & his inſtruments, will not reſt here, but they will ſtill

be

be deviseing new wayes to lay snares for the consciences of such as walk uprightly; by what is said to the particulars handled in the following sheets, thou mayest be helped to judge of new emergent questions, which thou mayest be exercised with, afterward, & so to know, how thou oughtest to carry thy self in reference to these new tryals.

10. Thou mayest have some ground of hope, That the Lord's end in suffering this sudden & sad Change, to continue so long, is but to purge more fully his Church, from the much drosse & corruption which otherwayes, in all probability, had never been purged away; It is possible that these by-past yeers of prosperity (her most afflicted condition, being a prosperous state, when compared with her present condition) have done the Church of *Scotl.* more harm (by reason of corruption within) then many yeers of sad adversity shall do. The former prelats had a time, before they came to their height, & all those many yeers wherein they were on the riseing hand, & after they came to the possession of their full power, the Lord was trying & purging his Church; And at length, when his time came, who waiteth that he may be gracious, & loseth not a fit opportunity of doing good to his Church & people, he brought the Church of *Scotland* out of the furnace, & laid her stones with faire colours, & her foundations with Saphires; So that the yeers 1638, & 1639, were as glorious years as any which she hath seen, since: And these prelats (though they have made great haste, in their rise, yet) must have some time to do that work, in which the Lord is imploying them as his lixes: one day discovereth more now, then, a yeer, formerly could have done; One prelat (blessed be the Lord who is master of work) doth more, then many purging committees could do: Why then should we weary? We know not what the Lord is about to do, but when we consider what were his dispensations, in former times, unto that Church, we may now hope, that he will bring the Church of Scotland out of the furnace, as faire & beautifull as ever, if not more; So that these who saw the foundation of the old temple laid, &c.

1638. &c. Shall not have cauſe to weep when they ſee her foundations laid of new, & the Lord reviveing the ſtones out of the rubbish which are burnt; If his people were humbled, & did not ſtand in the way of their own mercies, who can tell what the Lord would do, & how shoon, he would appeare for his oppreſſed people & intereſt, & declare that he hath choſen Zion, & hath deſired it for his habitation, & then clothe her prieſts with ſalvation, & cauſe her ſaints to shout aloud for joy? The popish prelaticall & malignant faction have been loſers when they thought themſelves gainers, & all their victoryes have proven hurtfull to their owne cauſe; And who can tell but this day, which they think they have gained; and the victory, whereof they think themſelves ſo firmly and certanely poſſeſſed, as that they shall never loſe it againe, may prove the moſt fatal day that ever they ſaw, & a victory tending to the everlaſting ruine of their cauſe & intereſt.

11. Thou mayeſt ſee theſe Covenants, againſt which, in this degenerate age, reproach cannot ſufficiently be poured forth, vindicated; And the lands, obliged & Covenanted lands before the Lord, what ever courſe hath been taken by higher powers to looſe the obligation. This Gordian Knot will not be gotten ſo eaſily looſed, as ſome would imagine; People may think to cloſe their eyes, & then reaſon themſelves out of the obligation of a Covenant & oath taken before the Lord, & ſo caſt themſelves at liberty; But that will only wreeth the heavy yoke of Gods curſe ſtraiter about their neck. It is no ſmall matter of admiration to hear how baſely many men do ſpeak of theſe holy bonds, & ſacred Covenants. But let men (who take pleaſure in venting the venome that is within) ſay what they will, *Scotland* hath no cauſe to be ashamed of theſe Covenants. It was a ſweet day when the nationall Covenant, which had been long buried in oblivion, was raiſed out of the duſt, & renewed: And it may be, *Scotland* shall have as ſweet a day, when both that Covenant & the ſolemne league & Covenant, which now lyeth buried under a heep of the ashes of contempt & re-

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proach, shall be raiſed up, & renewed with great acclamations of joy. It is true, this ſeemeth not to be very probable now; but Scotlands covenanted God liveth, & his arme is not shortened. There was not very great probability of renewing the nationall Covenant ſome few years before, when the prelats were tyrannizing at pleaſure, & no man durſt ſo much as complaine of any injury they did; It is eaſie with God to put Spirit & courage in people, make them ſtand upon their feet, & become an exceeding great army, who were before but dry bones, yea very dry bones: & howbeit now that league & Cov. be looked upon as a device contrived purpoſely to overturne the throne; Yet (as it hath already proven ſo againe) it may prove, as ſure a pillar for the throne, as any; & as effectuall a meane to preſerve the ſame from being overturned, as any other. But (Chriſtian reader) by what thou will ſee in the following sheets, thou Mayeſt eaſily perceive, that it is both a ſinfull & dangerous thing to break Covenant, & a ſin which heathens have ſcarred at And therefore remember thy Covenants and vowes made unto the moſt high, let not the ſpeaches nor carriage of others, who think they cannot exceed, in caſting out the venome of their heart, againſt theſe Covenants, leſſen thine eſtimation of them, but rather increaſe the ſame; And the more thou hear others cry down theſe Covenants as null, keep thy ſelf under, their tye, ſo much the more carefully: Make conſcience of ſtudying theſe Covenants, & the duties unto which, thou ſtandeſt bound before the Lord, by vertue thereof: It is true, thou art not now in a capacity to Act, for the carrying on of the ends of thoſe Covenants, as ſome time thou haſt been, yet keep thy Spirit ſtill under the impreſſion of their obligeing force, & when thou cannot by acting promove the ends of the Covenant, thou mayeſt do it, by conſtancie in patient ſuffering for adhereing to that cauſe & Covenant: See what thou art obliged unto by vertue of theſe Covenants, & let never theſe duties be forgotten, but as the Lord offereth occaſion, let it appear, that thou art under the impreſſion of the oath of God; thus ſhalt

thou have peace & joy, when shame shall cover the faces of all Covenant breakers.

12. Thou mayest see, how this yoke of prelacy, wreethed, in former times, about the necks of the inhabitants of *Scotland*, did prove so intolerably grievous, that they were made to groan under it; and how they became restlesse untill they shook it off: And experience, this day, doth prove how necessaryly it is attended with grievous oppression & soul affliction. It hath been found, & is seen, this day, how prelats have trampled, & do trample upon the nobility gentrie & burgesses of the Land: The land formerly hath found, & to day, doth finde, what the weight of a *Saint Andrew's crosse* & of the prelate's *rochet* is; And that their little finger is heavier then the loyns of Ministers, whatever grudge & outcry there was, against the discipline of the Church. It is true, they proclame liberty, & give way to all vice & iniquity, & are leaders into these wicked wayes themselves, & are paterns & patrons unto the people, whom they encourage by their evil example, to follow them in their trade of wickednesse: & it is like, this is the only thing which maketh that Government desirable unto many, who love not to be curbed in their licentious & wicked courses, but desire to have the bridle laid upon their necks, & liberty to follow the swinge of their own corruptions & beastly lusts; Yet it may be, that many are, ere now, wearying of them: Yea, who knoweth, but before this time, many of the nobles, & others of the land, who did earnestly pant after a change of Church Government, wishing the day, wherein prelats might be re-established in their power, & faithfull Ministers oppressed & put to the door, that so they might enjoy full & free liberty to commit sin with greadinesse, do beginne to be think themselves, & to be sensible of their folly, when they see how Prelats trade upon their necks, not careing what disrespect they put upon them, or how basely they use them, when they see that they have acted below themselves & below men, when they made shipwrack of their consciences, & sold their souls to promove their ambi-

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tious deſignes,& to help them to aſcend unto the tope of their intended grandour: no doubt many are thinking with themſelves, that they have run too faſt,when they ſee that all the thanks that they are like tohave, from thoſe who excell in ingratitude, is to be trode upon as mire of the ſtreets.It is a bad reward(but the juſt & righteous hand of God may be ſeen in it) to inſlave the perſons & bodies of ſuch, who have voluntarily inſlaved their ſouls to ſet them on high. O that the nobles & gentry of the land, would, at length, reſent this indignity, & obſerve the hand of God punishing them with a whipe of their own making, when they ſee how undervalueingly theſe men look upon them, & account them no better then their ſlaves & underlings; And would acknowledge God's equity & juſtice in this diſpenſation, & at length ſee & mourne for their ſinne, which is ſo legibly, as with capital characters, written upon their judgment! May it not come to paſſe, that theſe Zelots for prelacy, ſhall weary of this yoke, & wish as earneſtly for the day, wherein they may be delivered from this bondage, as ever they did longe for the day, wherein they might have their necks brought from under the ſweet & gentle yoke of Chriſt? May not the peers & body of the Land come at length to ſupplicate his majeſty, to looſe this yoke from off their necks, when their Scottish (ſome time generous) ſpirits, ſhall not be able any longer to endure ſuch unſufferable ſlavery: This is not impoſſible, nay nor improbable: Though it were to be wished, That they might Act that way, upon ſome other principles, principles of piety & godly tenderneſſe; That, ſeeing their injury done to Chriſt, in shaking off his governement & lawes, willingly following after the commandements of men, & mourning therefore, they might lament after the Lord, & ſeek him with the whole heart, & engadge themſelves in a Covenant with the Lord, to be for him to the utmoſt of their power, & bring the land back againe to ſeek the Lord God of their fathers, that he may have mercy upon them & heal their backſlideings, & builde up the walls of his Church, & make her a praiſe in the earth.

But

But whether the Nobles & other inhabitants of the Land, shall think of these indignities & seek for a remedy, or couch under the burden, as ashamed once to desire to have the yoke shaken off, which they themselves, with so great delight & deligence, have fastened about their necks, with their own hands: Yet it doth well become the godly of the land, to be sensible of the great & grievous wrongs, which are done unto Christ, to his Church, & work; & to cry out continually & complean of these oppressions unto the Lord, who will hear the cry of the oppressed, & will be a refuge for them, & judge them that the man of the earth may no more oppresse, when now he seeth that she is oppressed without cause: & to watch carefully that the continuance of the tryall & oppression, weare not out the sense of these incroachments, & intolerable pressures lying upon the Church, & upon the consciences of the Lord's people: And that no deadnesse seize upon them, but that still the memory of the good old cause be fresh with them, pressing them dayly to renew their earnest supplications; & to wrestle seriously with God, that he would be pleased in his own good time to break the yoke of the oppressour, & according to his promise *Isa.* 49: 25, 26. *Take away the captives from the mighty, and deliver the prey from the terrible, and contend with them that contend with his Church, save his children, and feed those that oppresse them with their own flesh, and make them drunken with their own blood, as with sweet wine; That all flesh may know that he the Lord is their saviour, and their redeemer, the mighty one of Iacob.* He hath said that *for the oppression of the poor and for the sighing of the needy, he will arise, and set him in safety from him who puffeth at him, The words of the Lord are pure words, as silver tryed in a furnace of earth purified seven times.* Therefore his people are called to waite upon the Lord. The vision may yet be for an appoynted time, but at the end, it will speak & not lie, though it tarry, they must wait for it, because it will surely come, & will not tarry. His people are called now to minde duty, & to look what the time, the opportunity, & the dispensation under which they are, at present, calleth

leth for; It is not good for them to be slacking their diligence, but rather they should waxe strong in the Lord & in the power of his might. It is not good for them to faint & sit up now, as overcome with impatience, & hopelesse despondency of spirit; but patience should have its perfect work. Be stedfast, therefore (dearly beloved) unmoveable, alwayes abounding in the work of the Lord; Forasmuch as you know your labour is not in vaine in the Lord. Now to him that is of power to stablish you, to God only wise, be glory for ever, through Jesus Christ, AMEN.

A D

AD LECTOREM.

Sub pedibus Lunâ, Mulier, nunc calcat; amicta
Sole; caput stellæ, ceu diadema, tegunt.
Conspicitur medio ut signum admirabile cœlo;
Fixa velut medio, petra decora, Salo.
Sæpius incerto varia est ut Cynthia vultu,
Tarte sui Semper, totaque Sæpe latet.
Fulgida Justitiæ nuper quæ sole, tenebris
Mox velut infernis tecta, sepulta jacet.
Firma licet Petræ maneant fundamina, quassis
Mœnibus & fulcris, contremit ipsa domus.
Sidera lapsa polo, capiti diadema revulsum
Sponsaque Pulvereâ squallida sorde sedet.
Quisquis es hæc totô qui non spectaveris orbe,
Exhibet hîc scenam, Scotia mœsta tibi.
Scotia quam varios casus sit passa; procellis
Quassa quibus, quantis, te docet ille liber:
Præsulis hîc mitræ pondus, Regisque tiaræ.
Penditur, & Christi jura, bilance pari.

In-

Invadit Christi regnum cum principe præsul,
Arrogat hic Regi, quod rogat ipse Sibi.
Præsulis est Scotis relegandum nomen averno,
Prora quibus præsul, puppis & una mali est.
Hîc videas vicibus ternis quas insula strages
Ediderit; præsul, Cerberus iste triceps.
Pontificum primus fuit impetus; iste retusus
Evasit virgo, quæ fuit ante lupa.
Vistamen huic facta est vulpina fraude secunda,
Restiterat zelô plebs, procereſq; pio.
Tertius horrifici est nunc impetus ille Leonis.
Cernitur hic vulpes qui fuit ante Lupus:
Bestia bis cecidit, bis cornua fracta revinxit.
Tertia certa feram & vasta ruina manet.

Courteous reader, ere thou read, amend these
Errata as followeth.

PAg. 4. l. 18. followers, pag. 6. l. 24. *Scotos*, p. 8. l. 9. ridiculous, ib. l. 34. be. p. 10. l. 34. he. p. 14. l. 6. firſt r. fift. p. 16. l. 34. effect. p. 22. l. 30. *dederent* p. 24. l 30. effectuall. p. 29. l. 36. of. p. 37. l. 22. this realme p. 42. l. 19. worthies, r. worthy nobles. p. 45. l. 36. of, r. for p. 59. l. 14. be, r. the. p. 64. l. 29. chearfully. p. 67. l. 31. overcometh. pag. 73. lin. 5 ſpecious, ibid. lin. 29. effects. pag. 78. lin. 20. there, r. their p. 80. l. 12. gentlemen, ib. l. 20. perceive. p. 85. l. 30. underſtood p. 88. l. 22. & 271. l. 26. this, r. his. p. 91. l. 23. & 132. l. 11. were, r. where. p. 109. l. 13. ſcripture. p. 110. l. 21. & 202. l. 33. notion. p. 125. l. 21, together. p. 135. l. 33. decrees, r. doores. p. 137. l. 30. *Sect.* 22. p. 145. l. 15. r. 1572, p. 159. l. 31. they, r. them. p. 176. l. 27. belonging. p. 183. l. 5. eſſentiall. p. 186. l. 17, one r. once. p. 187. l. 28. guiltleſſe p. 191. l. 11. *eo.* p. 193. l. 22. taking. p. 207. l, 28. prohibition, ib l. 32. paſtours. p. 224. l. 9. length. p. 225. l. 1. be beleeved. p. 239. l. 20. yeelded. p. 248. l. 4. paſtor. p. 260. l. 5. is, r. as. ib. l. 16. ever, r. over. p. 280. l. 31. wreſtle. p. 289. l. 26. known. p. 293. l. 21. *civis.* p. 305, l. 5. aall, r. call. ib. l. 6. omce, r. come. p. 312. l 26. further. p. 322. l. 31. though. p. 331. l. 32. should. p. 349. l. 18. which. p. 350. l. 19. & I will p. 351. l. penult. how the *Carthaginians.* p. 362. l. 16. they r. their acts. p. 364. l. 25. it is, r. its. p. 366. l 3. his, r. this. ib. l. 8. *twice* here r. her. p. 372. l. 34. way, r. may. p. 373. l. 30. his, r. is. p. 382. l. 9. his r. this p. 383 l. 13. made, r. make. p. 385. l. 8. the, r. he. p. 386. l. 22. countrey. p. 387. l. 22. & ib. l. 35 worldly. p. 404. l. 9. no, r. on. pag. 419. l. 10. ever, over.

P. 126. l. 2. cloſe the other parentheſis after; *Auguſt* 22. p. 304. l. 6. in ſome copies, r. & may be moſt free, Pag. 329. l. 21. & 330. l. 8. & 324. l. 25. & 353. l. 10. dele lib. 5.

Others of leſſer moment through a letter wanting, or redundant, or one for another, or through a comma, colon, or the like miſplaced, or wanting, thou mayeſt correct as thou readeſt.

The

An

Apologeticall Relation,

Of the particular sufferings of faithfull Ministers & Professours of the Church of Scotland, since Agust 1660.

THath been the common lot of all the afflicted & persecuted people of God, in all ages to meet with sad & bitter reproaches, as a constant concomitant of their other sufferings: Satan thinking it for his advantage to adde affliction to the afflicted, & to use his outmost endevour to break them with one sad exercice, at the back of, or together with another, is not satisfied with stirring up sore persecution against them, but endevoureth likways to load them with such reproaches & calumnies, as are able

able to break the heart of ingenuous & single hearted persons. And for this cause, the Lords people in all ages have been put to intreat that he would clear & vindicat them, & their actions from such foule aspersions, & make their innocency breake forth as the noon-day; & would direct them unto such ways & means, as might tend through his blessing, to their rationall vindication befor the world. Hence have proceeded the many Apologies & defences, which have been used of purpose, to clear to the world the true ground & cause of their sufferings, & to discover how groundless & unjust those reproaches & calumnies were, which men, whose hearts were full of wickedness, & tongues dipt in gall, had vented for this end alone, to render both them, & their just & righteous cause, odious to strangers.

And at this time there may be just cause to fear that the malice of that old enemy is not asleep, & that he is leaving no mean un-essayed to make the suffering Church of Scotland & her cause odious, in the eyes of forraigne protestant Churches, to the end she may not onely misse & be disappointed of that Christian sympathy & fellow feeling which is expected of all the true membres of Christs body, but also (which is far worse) be condemned, & through her sides, the cause & truth of God (which ought to be more prerious to Christians then any thing else) be put to suffer, & by this means the great works of God, wherby he (convincingly even to enemies) did testify his approbation of the work of Reformation, begun, & caryed on there, these yeers bygone, be called in question, & fathered upon the Devill, which would be the hieght of iniquity, being (or at least bordering upon) that unpardonable sin against the Holy Ghost, charged upon the Pharisees, Math. 12.

But notwithstanding of all this travail which this old enemy & his indefatigable under-agents are or have been at, according to their custome, to get the prejudices against that Church, which they have laboured ro beget in the mindes of strangers, fomented, & so deeply rooted, as that there shall be no place for her, or any in her name, to publish to the world any

Apology

Apology or defence, or a justification of her cause & ground of present suffering; It is expected that Christian Churches abroad, have reserved one eare open to Christ & his suffering followers & that a true representation of the present case & condition of that suffering Church, shall be heartily welcomed by them, whose eares have been hithertill filled with the clamorous outcryes of men who make no conscience of oaths, let be of words, & who have learned exactly that lesson *Calumniare audacter, semper aliquid harebit, Heap up many slanders & vent them with boldness & audacity, & something will stick.*

Though there be no ground for any to thinke that nighbour protestant Churches have so far drunken in prejudices against that Church, or received such an impression from the misreports & misrepresentations which her malitious adversaries have made, as that an attempt of this nature shall seem altogether useless: Yet this is certaine that the most lively demonstration & representation of the present case & condition of that Church, that can be fallen upon, shal not hold forth unto strangers & forraigners such convincing light, & evidence of all maters there, as a few days being ear & ey-witnesses to all her present calamities, compared with the days of old, when the glory of the Lord appeared in the midst of her, would do. And therefor, though as to such who are indeed strangers unto the great things which the Lord hath wonderfully begun, & carryed on, in that Church, small successe can be expected, to follow such an interprise; yet as to others whether Churches or persons (of whom it cannot be, but that there is a great number, who have both heard, & wondered at the works of the righthand of the most High there, & have received much soul-refreshment from the report, wishing & earnestly supplicating for the like unto themselves, & longing for the day, wherin they might see the Lords arme streached out with the like Reformation & salvation unto other Churches about) this undertaking will have its own use & advantage. And, without all question, silence at such a time as this, might do much both to sadden the heart, & to stumble such as would be glad to

hear of the ſtedfaſtneſs of the faithfull followers of Chriſt in that land, for if there were none to open a mouth for her now, nor any to plead her cauſe, it might be thought that all had ſo far changed with the times, as to condemne their own former proceedings, & to intertaine ſtrange & unbeſeeming thoughts of the wonderfull works of the righthand of the moſt High; wrought among them: & ſo become ashamed of their cauſe, & durſt not adventure to ſpeake in their own juſtification.

Therefor being confident of the good acceptance, which this undertaking shall meet with from compaſſionate & Chriſtianly affected churches & people about, & perſuaded that God, whoſe intereſt & Cauſe this is, will, in his own good time, ariſe & plead the ſame, & vindicate his work from all the aſperſions, & calumnies of men, by a reviving therof in the middeſt of the years, & a beſt irring of himſelf for the carying on of the ſame, untill the copſtone be put on, & therby give ſuch ane unanſwerable Apologie as shall be ſufficient to ſtop the mouths of all adverſaries, & to confirme his fellowers, & comfort the ſaddened hearts of his ſufferers; This preſent piece of worke was the more chearfully undertaken, to the end (beſide what uſe the preſent ſuffering members, of that church might make hereof for their own ſatisfaction incouragement & ſtrengthening in the Lord) that ſuch of the nighbour churches about whoſe ears have been filled with the ſlanderous reports, to the vexing of their ſouls, raiſed by the adverſaries of that church, & caryed on by all the art of hell to the ſtrengthening & confirming of their ill cauſe, may be undeceived, & rightly informed touching the trueſtate of affaires in that church.

And to this end, it will be ſufficient in the firſt place, to give a ſhort & clear Hiſtoricall relation of the troubles, which the former Prelats, which were in that church, did creat unto her, both in their riſing, & when they did come unto their hieght, & of the wonderfull maner of the Lords bringing them down & caſting them out of that land & church, with shame & diſgrace: And then to give ſome vieu of the preſent ſtate of that church, by mentioning ſome particulars, which are the grounds of the preſent ſufferings of the people of God there,

&

& clearing the equity & justice of their cause, who have choysep affliction, rathen then sin, & when by this means it shall be seen, from what an exellent & desirable state that church is now fallen, as in a moment, & into what a condition of wo & lamentation, she is now plunged, all who are Christianly affected with the afflictions of Joseph, may be moved to com_passionat her case, & to sympathize with her, & if they can do no more, be stirred up to minde that bleeding, swooning & almost expiring church of Scotland at the throne o grace. f

Section I.

Shewing how the church of Scotland was long governed without Prelats, & after what maner they did arise to their height there, without the Churches consent.

IT is not unknown, that according to the testimonie of *Origen* & *Tertullian* the Scots did embrace the faith amongst the first, & probablie (as *Buchan:* sheweth) they received it from some of *John's* disciples, who fled by reason of the persecution, caused by that bloudy *Domitian:* so that about the year 203. which was the 4 year of King *Donald* the first, Christian Religion was publickly professed, the King himself, his Queen, & diverse of the Nobles being solemnely baptized, after which he purposed to root out Heathenisme out of the Kingdome, but was hindered by wars with the emperour *Severus.*

There after about the year 277 King *Cratilinth* intended a Reformation, but was much hindered by the heathenish Priests, (called *Druides* from their sacrificing in groves under oaks, as some suppose) who by their subtyle insinuations & power, had much influence upon the people; yet the Lord did seconde the intentions of this good King, & sent several worthy men both ministers & privat Christians, from the South parts of Britan.

where the Nynth & Tenth Persecution under *Aurelius & Dioclesian* did rage, & these for their single & retired life, were called *Culdees*, *quasi cultores Dei* more probably, then becauſe of their living in Cels; and this work continowed till about the year 360 & then did meet with a great interruption, by reason of civill wars, wherby the land was wasted, & all the Scots banished untill about the year 420 when *Fergus* the second came into Scotland, whose son *Ewen* sent for the exiled *Culdees*, & gave them great encouragement, & they did set themselves to their worke. And this continowed untill about the year 452, when *Palladius* being sent into Britaine by Pope *Celestin*, came into Scotland, who by his subtile insinuations did gaine so much upon the simple people, as that in a short time, he moved them to consent unto a change of the government of the church, into Prelacy, & himself became the Arch prelate: But befor this *Palladius* came; Scotland never saw a Prelate, if our ancient Historiographers be to be beleeved, such as *Baleus* in his *Historie of the Britons*, &c. cent. 14. cap 6. saying [*Ante palladium Scoti &c. befor Palladius came, the Scots had their Bishops & ministers, by the ministry of the word of God, chosen by the suffrage of the people, after the custome of those of Asia, but those things did not please the Romanes.* Beda in his *History of England* Lib. 1. who sayeth [*Palladius ad Scotes &c. i. e. Palladius was sent unto the Scots, who beleeved in Christ, by Celestin the Pope of Rome, as their first* Bishop] *Prosper* in his *Chron*, ad *An.* 436 saying [*Ad Scotos &c. i e. unto the Scots then beleeving in Christ, Palladius is ordained by Pope Celestin, & sent thither the first* Bishop] *Iohn Fordon* in his *Scottish Chronic.* lib. 3. c. 8. saying [*Ante Palladii adventum &c. i. e. befor the coming of Palladius, the Scots had for teachers of the faith, & ministers of the Sacraments, presbiters onely or Monks, following the customes of the primitive church*] *Iohannes Major* speaking of the same *Palladius* who sayeth [*per sacerdotes & monachos &c. i. e. the Scots were instructed in the Christian faith, by Priests & Monks without any* Bishop] and Buchanan who sayeth [*nam ad id usque tempus &c. i. e. to that very time*] [speaking of Palladius coming into Scotland & changing

ing the governement) *the churches were ruled by monks without Bishops.*

It is true *Spotiswood*, in his late History, would make the world beleeve that in the dayes of the *Culdees* there was no governement in the Church of Scotland but Prelaticall; because *Boetius* sayeth that [*those priests or Culdees, were wont, for their better governement, to elect some out of their number, by common suffrage, to be chief & principall among them, without whose knowledge, & consent nothing was done in any mater of importance, & that the person so elected, was called Scotorum Episcopus*] & farther, as if his bare dissenting from *Buchan:* would be enongh to blast the reputation & weaken the credite of that Renowned Historian, he sayeth p. 7. of his History [*what warrant he (i. e. Buchan:) had to write so, I know not, except he did build upon that which Iohannes Major sayeth. But from the instruction of the Scots in the faith, to conclude that the Church after it was gathered, had no other forme of governement, will not stand with reason, for be it as they speak, that by the travelle of some pious monks the Scots were first converted unto Christ it cannot be said, that the Church was ruled by monks, seing, long after those times, it was not permitted te monks to medle with the maters of the Church, nor were they reckoned among the Clergy*] thus he. To which it is easily answered. 1. That the sole word of a late Historian, & of an Excommunicated forsworne Prelate speaking in his own cause will have lesse weight with every rationall man, then the Testimony of so many famous & eminent Historyographers, known through the world. 2. All the Prelats, logick will not conclude from these words of *Boetius* that there was Episcopall governement among the Culdees, if *Boetius* himself may be heard, whom all are bound to beleeve better then this Prelate, who reasoneth according to his skill for he lib. 7. c. 28. sayeth [*erat Palladius primus omnium &c. i.e. Palladius was the first of all who did bear holy Magistracy among the Scots, being made Bishop by the great Pope*] thus he affirmeth clearly, that Palladius was the first, who had Episcopall Power, or exercised a Magistraticall domineering power in Church maters. 3. Could Buchanan, a man many

stages beyond the Arch-prelate, know no reason or ground for what he said but what this Archprelat could perceave who had no will to open his Eyes? 4. As this Archprelat doeth wrong his own credite as an Historian, when without warrant he contradicteth so many famous Historians; so doeth he discover much weakness in reasoning; for to say that the monks did not governe the Church befor *Palladius* landed in Scotland, because after Palladius came, they were putt out of all accompt & got not liberty to do so, is such a rediculous consequence, as can hardly be paralleled; as if one should reason now, & say the Church of Scotland was not governed by Ministers befor the year 1661. becaus after Bishops got all the power into their hands, the Ministers had no power of governement in the Church. Much more might be said here against the reasoning of this late Historian, were it fitt to insist upon every such frivolous argument of his.

So then, from these forecited Historians, & from *Baronius* in his Annal: it appeareth that the Church of Scotland was severall hundereths of years without a domineering Prelate, & after this time that this *Palladius* came, she was still in a decaying condition, through the increase of popery, which at length did overspread the whole land, in which Romish darkness she did ly untill about the year 1494.

About which time the Lord began to visite that poor Chutch with his salvation & to cause some light of the Gospel to break up in severall places of the land: but no sooner did the light appear, but as soon did those Antichristian Prelats & vassals of the Pope begin to rage, & to raise persecution against the young professors of the truth, & followers of the lamb, & so with fire: & faggot they sought to destroy all who professed the true Religion, untill about the year 1550. when, notwithstanding of all this rage & cruelty of the Beast, & his followers, the knowledge of the trueth did spread through the land, & a farther worke of Reformation, began to he caryed on, by worthies whom the Lord raised up, such as famous *Mr Knox*, & others, who were singularly owned of God in that work. Though *Mr Spotiswood*, according to his usuall maner of mistaking the works of God,

of God, & of venting his enmity to piety & purity, is pleased in the 60. page of his history to say that *this Reformation was violent & disorderly*. And albeit at that time the Queen was endevouring, by all means possible, to keep up the Idolatry of Rome, & to suppresse the Reformed Religion; so powerfully did the Lord, in his goodness, assist these worthyes, that in the year 1560. there was a large Confession of Faith drawn up at the command of the Parlament which did conveen that year, in which Confession all the Popish errours were renounced, & after, it was exhibited to the Parliament & there read, & when it was read, the Prelats who were there present had not one word to speak against it, which when the Earle of *Marshall* did perceave he said [*Seing the Bishops (who by their learning can, & for the zeal they should have to the truth, would gain say, if they knew any things repugnant) say nothing against the said Confession, I cannot but thinke that it is the very truth of God*] Thus this Confession was openly avowed & professed by this Parliament, as is clear by the act. 6. parl. 1. King Ja. 6. *An.* 1567. & act. 86. par. 6. *An.* 1579. where these words are found in both acts [*and decerns & declairs that all & sundry who either gaine sayeth the word of the Evangell receaved & approved, as the heads of the Confession of faith professed in parliament of befor in the year of God* 1560.] At this Parliament there are severall acts made against popery, as against the Masse, & against the Popes authority & jurisdiction: for such as were for the Reformation, or the Congregation (as they were then called) did supplicate that they would condemne the Antichristian doctrine, & would restore the Discipline of the ancient Church, & discharge the popes jurisdiction, & accordingly as was said, there is an act made [*ordaining that the Bishop of Rome, called the Pope, have no jurisdiction nor authority within the Realme in any time coming and that no Bishop or other prelate of the Realme use any jurisdiction in time coming by the said Bishop of Romes authority under the pain, &c.*] which was afterwards ratified by severall acts in the dayes of King James.

And thus by act of Parliament the Reformed Religion is established, the church governement by Prelats is virtually dis-

charged; because Prelats then had no power but what they had from Rome, & when the current is cut off at the head, it must needs cease in the streams. But this will be the more clear if we consider how the Reformers were dealing for the establishment of Discipline, together with the Doctrine, knowing that the doctrine would not be long keeped pure, if the Popish discipline & governement were still retained, & upon this, the great council giveth a charge dated April 29, 1560. *requiring & commanding them in the name of the Eternall God, & as they would answer in his presence, to committ to writing, & in a book deliver their judgements touching the Reformation of Religion which heretofore in this Realme* [*as in others*] *hath been utterly corrupted.* According unto which charge. the first Booke of Discipline, as it was called, (in which book the governement of the church by Prelats is overturned, church Sessions are established, the way of Election & tryall of Ministers, contrary to the Episcopall way, is appoynted, & severall other things, tending to the right governing of the church, are determined) is drawne up & presented to the conncell May 20. 1560. Whereupon there is an act of councill to this effect [*We who have subscribed these presents, having advised with the Articles therein specified, as is above mentioned, from the begining of this book, thinke the same good & conforme to Gods word in all points, conforme to the notes & additions here to eeked: & promise to sett the samme forward to the uttermost of our Power, providing that the Bishops, Abbots, Priors, & other Prelats & Beneficed men, who else have adjoyned them to us, bruik the revenues of their benefices, during their life times, they sustaining & upholding the Ministry and ministers, as herein is specified for the preaching of the word, and administrating of the Sacraments*] and this act is subscribed by twenty six Noblemen, & among the rest by *Mr. Gordon*, who was Bishop of Galloway, & by the Dean of Murray. *Spottswood* in his History is so convinced that this book was directly against the Prelats, that he sayeth pag. 174. [*it was framed by Iohn Knox partly in imitation of the Reformed Churches of Germany, & partly of that which he had seen at Geneva*] nather of which Churches did favoure Prelats.

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It is true the late Historian the Archprelate would make the world beleeve that the Superintendents, which are spoken of in that Book of Discipline, were nothing else but Bishops. But his fonde mistake in this, will appear to any who will but consider these particulars 1. What the thoughts were which this Archprelate had of this book which treateth of those Superintendents: as. 1. That it was framed by *Iohn Knox*, & famous *Knox* first nor last was never a friend to prelats or prelacy. 2. he sayeth *that it was done in imitation of reformed Churches such as Geneva and those of Germany*, & these Churches knew no prelats. 3. He sayeth [*it was no better nor a dreame & so could never take effect*,] but had it been an establishing of Prelacy, it had been no dreame in his accompt, and he would have said, that it had taken effect. 4. He willed & wished that *Iohn Knox* had retained the old Policie, & so this book contained a policie distinct from the old policie, & a Policie which was not the same with Prelacy. 2. What the thoughts were which such as were for the Reformed Religion, had of it: Now they looked on it, as the Discipline of the ancient Church, & therefor after it was drawn up, they did supplicate the Parliament for the *restauration of the Discipline of the ancient Church, & for the discharging of the Popes usurpation & of all that Discipline, which did flow there from*, as being inconsistent with the Discipline of the ancient Church, & with the Discipline contained in that book. But 3. It cannot enter into the heart of any rationall man to think that these Reformers were so inconsiderate, as to sett up Prelats with the one hand, when they were doing what lay in their power to pull them down with the other. It was not popish Prelats alone, which they were labouring to turn out of the Church of Christ, for, when some of those who had been popish Prelats before, had relinquished Popery, & embraced the Reformed Religion, and had subscribed unto the book of Discipline, as *Mr Gordoun* in Galloway, yet they would not suffer such to exerce the power of superintendents. *Mr Gordoun* with all his moyen could not obtaine that power, so that *Spotiswood* when he sayeth in his Latin Pamphlet called (*Refutatio libelli de Regimine Ecclesiæ Scoticanæ*, pag. 4. & also in the

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Epistle Dedicatorie that [*the former Bishops who joyned with the Reformers keeped still their full power & jurisdiction*] bewrayeth his impudence & falshood. His words in his Epistle are these. [*Et præsulibus pristinis, modo fidei orthodoxæ non restitissent, nec adempta dignitas, nec imminuta fuisset jurisdictio, quod ita liquet, ut hoc vel inficiari sit negare Solem in ipsa meridie lucere.*] & in the book he sayeth [*quotquot autem a puriore cultu non abhorrebant, iis jus utendi, fruendi Episcopatuum fructibus & privilegiis omnibus, jurisdictio etiam, quam ante usurpabant, quatenus Religionis incolumitas pateretur, continuata.*] This is the hieght of impudency, thus to avow palpable untrueths; & that the faithfulnes of this Historian may for ever after be suspected, let it be observed, that in his History which he wrote in English, & which every one might have more easily understood, & so discovered his falshood, he durst say no more but that these Bishops enjoyed the rents of their benefices. See pag. 175. Moreover 4. The book of Discipline it self giveth the clear ground of their appointing of these Superintendents, in these words, [*We consider that if the Ministers, whom God hath endued with his singular graces among us, should be appointed to several all places, there to make their continuall residence, that then the greatest part of the Realm should be destitute of all doctrine, which should not onely be the occasion of great murmure, but also be dangerous to the salvation of many; and therefor we have thought it expedient at this time ——— by this means the simple and ignorant, who perchance have never heard of Iesus truelie preached, shall com to some knowledge, and many that are dead in superstition, and ignorance shall attaine to some feeling of godlines, by the which they shall be provoked to seek farther knowledge of God, and his true Religion and worship ——— and therefor we desire nothing more earnestly, then that Christ Iesus be once universally preached throughout the Realm: &c.*] From whence it appeareth that these Superintendents were onely chosen for that present exigent, when there were so few learned & able Ministers, & so many places of the countrey destitute of Ministers; so that the harvest was great, & the labourers very few; Superstition & popery was remaining in many places

of

of the countrey, & people were in hazard to continow therin, having either no Minister to clear the trueth to them, or such onely who were ready to harden them in their superstitious courses. & therefor there was a necessity, at that time, while the Church was but *in fieri* that some of the most able of the Ministry, should be appointed, to travell through such & such places of the countrey, to preach the Gospel, & to see to the planting of faithfull & able Ministers, according to the rules sett down in the book of Discipline. But 5. so cautious were the Reformers, that they would not acknowledge those to be Bishops, either in name, or thing, for as their worke was extraordinary, so they gave them an extraordinary name: They would not suffer any who had been Bishops before in time of popery, to enjoy the place & power of a Superintendent, least the power & place might be abused, & at length degenerate unto the old power of Prelats; but even in those bounds, where such lived, did appoint others to Superintend, as *Mr Pont* in *Galloway*. They would not divide the bounds of those Superintendents according to the Prelats Dioceses, but after another manner. They devided the land into ten parts, having respect to the edification & advantage of the poor people. These Superintendents were chosen by the consent of the whole bounds, which they were to visite. They were not consecrated, but onely sett apart to that worke by preaching & prayer, as is to be seen in the order prefixed to the old Psalme-books. They were tryed & examined by the Ministers of these bounds. They had other Ministers conjunct with them, when they ordained any. Nather had they sole power of Excommunication, for Reformed Churches had power by the Book of Discipline to excommunicate the contumacious: & the tractate of Excommunication prefixed to some old Psalme-books sheweth that they might do it without the advyce of the Superintendent. They were subject to the censure of the Ministers & Elders of the Province, who might depose them in some cases. Their maine worke was preaching, for they were to preach at the least thrice every week. They had their own particular flocks beside, with which they stayed alway

ways, save when they were visiting the bounds committed unto them. They might not try any Minister their alone, but were commanded to have the neerest reformed Church, & other learned men conjunct, by an act of the fourth Nationall Assembly *An.* 1562. They might not transport a Minister without the consent of the Synod, as is clear by act fourth of the first Nationall Assemblie 1562. They might not discusse any important question their alone, as is clear by act first of the ninth Nationall Synod, *An.* 1564. All were at liberty to appeal from them to the Nationall Synod, as is clear by act fifth Assembly sixth. They were to be subject to the Assembly, as is clear by the fourth Assembly an. 1562. They never did Moderate in Generall Assemblies, unless they had been chosen by votes. Who can be so foolish then, as to beleeve *Mr. Spotiswood*? saying in his History pag. 258. that [*the power of Superintendents was Episcopall, for they did elect & ordaine Ministers, they did praside in Synods, and direct all Church censures, nather was any excommunication pronounced without their warrant*] seing the publick acts of the Nationall Assemblies are of more credite then this prelate, who knew as litle what it was to be a faithfull Historian, as he knew what it was to be an accurate Logician. Beside that *An.* 1562 at the Nationall Assembly, there were some Ministers chosen to assist the five Superintendents (for no moe could be gotten setled for want of maintenance) & had equall power with them, & were commanded to give accompt of their diligence unto every Nationall Synod, & there to lay down their office: And *Mr. Spotiswood* hath not the face to say that these Commissioners had Episcopall power, & yet their power was equall with the power of Superintendents.

When thus the Church had shaken off (so far as lay in her power) the yoke of Prelacy, she beginneth to exerce that power which Christ had given to her, & that same year 1560. there is a Nationall Assemblie keeped, which did make severall Canons concerning the ordering the affairs of the church, and yearly there after once or ostener *pro re nata*, according to, & by vertue of her intrinsick power, she did keep her Courts, notwithstanding that in the meane time the Queen & the court were but smal friends to the Protestant cause. Anno

Anno 1564 the Nationall Assemblie did send some Commissioners to the Queen to desire among other things [*that no Bishoprick &c. having more Churches then one annexed there unto should be disponed in time coming to any one man, but that the Churches thereof being dissolved should be provided to severall persons, so as every man having charge, may serve at his own Church, according to his vocation.*]

Anno 1566 at the eleventh Nationall Assembly the second Helvetian Confession of Faith was presented, & approven in all points (except in the particular concerning festivall dayes) by which Confession prelacy is accompted ane humane devyce, & no ordinance of Christ.

But Satan, envying the faire beginnings of this Infant Church, stirred up some of the Statesmen against her, who, having possession of Church rents, & Prelats Benefices, & fearing to lose the same, did therefor devyse a way for establishing themselves in the possession of those Church rents, by getting in some *Tulchan* Bishops, (as they were called) who might have the name of the whole Benefice, but rest contented with a small part to themselves, leaving the rest in the hands of these Nobles, and accordingly the Earle of *Morton* stirred up the Earle of *Marr* then Viceroy, to convocate an Assembly at *Leith*, by the means of the Superintendent of *Angus*: who when they did meet Jan. 12. 1571 did nominate six of their number to meet with six appoynted by the councill, & these twelve did condiscend to severall things tending to the setting up of Prelats. And according to these resolutions the Earle of *Morton* getteth one *Mr. Douglas* made Bishop of Saintandrews, *Mr. Boyd* of *Glasgow*, *Mr. Paton* of *Dunkel*, & *Mr. Grahame* of *Dumblaine*.

This was a very sad stroke, but God did not leave that poor church in that case, for within two moneths thereafter A national Assembly did meet who finding that these resolutions gave such offence, did appoint some of their number to examine the same: but the acts of this Assembly were there after taken out of the Registers. And in August. 1572. at the Nationall Assembly there was a Protestation made against these innovations, &

[*that*

[*that whatever condescension should be yeelded unto, should be onely for the Interim, till a more perfect order might be obtained*]. So at the Assembly in Aug. 1573. it was decreed that [*Bishops should have no more power then the superintendents, had*] *Mr Paten* of *Dunkell* is accused for taking more, & *Mr Gordon* of *Galloway* is condemned. And in the nixt Assembly it is concluded that every Bishop should be subject to the Assembly, & should conferr no Benefice without the advyce of three Ministers. *Spotswood* the false Historian thought, that, because of his silence, the world should never have gotten notice of this, which these Assemblies did, of purpose to heme in the power of these prelats, whom the Court was setting up, with such violence, at such a time, when they could do no more.

At length the day breaketh up clearer, & about the year 1575. the Lord stirreth up his servants, & putteth spirit & courage in them; so that in the Assembly it was debated whether these new Bishops, Superintendents, & Commissioners were a honour or a burden to the Church. *Mr John Dury* protested that they should do nothing in prejudice of what he, & many other brethren had to object against their office. Mr *Iames Lawson* did seconde this, & moved the debate touching the lawfulness of the office it self. Mr *Andro Melvin* affirmed, [*that none ought to be officebearers in the Church, whose titles were not found in the Book of God, and for the title of Bishop, albeit the same was found in scripture, yet was it not to be taken in the sense, that the common sort did conceive, there being no superiority allowed by Christ amongst Ministers, he being the onely Lord of his Church, and all the same servants, in the same degree, having the like power*] These beginnings, the Lord was pleased so to seconde with his blessing, that when it was moved by the Regent, whether they would Stand unto the Policie aggreed upon at Leith, or setle some other forme of governement: It was resolved that a constant forme of Church policy should be sett down, & for this effect, they nominate twenty of their number to meet at severall times, & places, for the drawing the Mo lell thereof. And accordingly after some pains the second Book of Discipline is finished, & *Anno* 1577. at the Generall Assembly Sess. 13, ap-

approven in all points, except that touching Deacons; which was referred to farther debate but *Anno* 1578. that head with the rest was approven by the unanimous consent of all, though *Spottiswood* will not let the world know so much.

When this Second Book of discipline is thus appoven, by the Nationall Assembly, after prayer & fasting they appoint some of their number to exhibite it to his Majj. to the end he might add his approbation thereunto: Unto whom the King (being then about 13. years of age) did promise [*that he would be a proctor unto the Church*] & caused some of his Counsellours conferr with those Ministers upon that business, (the heads of which conference were once insert in the Registers of the Assembly, but *Anno* 1584. when the Court had power of the Registers, those leaves were taken away, & seen no more, as shall be cleared hereafter) and again *Anno* 1579. the King wrote unto the Nationall Assembly desiring [*a farther consultation upon the heads, on which his Commissioners and their delegats did not accord the last year, to the end that when all the particulars are fully aggreed upon, they might be approven in the ensueing Parliament*] & in the mean time the Assemblies are going on, prohibiting any moe bishops to be chosen, & ordaining such as were chosen, to submit themselves to the determination of the Generall Assembly, under the paine of Excommunication, & accordingly some then, & all of them afterward, did submit. So *Anno* 1580. they ordained that all who were called bishops should dimit *simpliciter*, because that office had no warrand in the word, & they ordained Provinciall Synods to call before them such bishops, as lived in their bounds, & ordaine them to give obedience to this act. His Majesties Commissioners who were present at this Assembly of *Dundy* did concurr with this Assembly, in appointing some of their number to consult about the Model of the Presbiteries.

In this same yeer in the moneth of March (for as yet the new year did not begin untill the 25. of march) is the Nationall Covenant solemnely taken by the King, his Councill, & Court, & afterwards by the inhabitants of the Kingdome, in which covenant prelacy, under the name of *Romish Hierarchy* was ab-

jured, as shall be cleared in due time, & the Doctrine & Discipline of the Church was sworne to be defended.

Anno 1581. in April at *Glasgow* the Generall Assembly did insert the book of Discipline in their Registers, & did show how the act touching Bishops made at *Dundee*, *Anno* 1580. did condemne the estate of Bishops as they were then in Scotland. Unto this Assembly his Maj: Commissioner, *William Cuningham* of *Caprintoun* presented the Confession of faith subscribed by the King & his houshold, as also a plot of the presbiteries to be erected, mentioning their meeting places, & appoynting the severall parishes, which should belong to such & such presbiteries with a letter to the Noblemen & Gentlemen of the countrey for their concurrence for the erection of presbiteries, & dissolution of Prelacies, & in his Maj: name he promised that his Maj: would set forward the policy, until it were established by Parliament, & thus presbyteries began to be erected throughout the Kingdom.

This was a sweet sun-shine, but it was followed with a very sad showre for when *Amate Stuart* of *Aubignee*, afterward *Duke* of *Lennox*, obtaineth by the death of the Earle of *Mortoun*, who was executed, & the banishment of the Earle of *Angus*, the superiority of *Glasgow*, & other things, to secure the same to him & his posterity, he aggreeth with Mr. *Robert Montgomery* Minister at *Sterlin*, to accept of the bishoprick, & to dispone to him all which belonged to that bishoprick, for the yearly payment of one thousand pound Scots, & some horse-corne, & poultry, which when the Church heareth, he is summoned before the Assembly at St. *Andrews*, & commanded to leave the bishoprick, under the paine of Excommunication, & the Presbitery of *Sterlin* is appointed to take notice of his cariage in doctrine & discipline, for they had found him guilty in 14 or 15 points; but he went on, & notwithstanding the presbitery had suspended him from the exercise of the Ministry, he procured an order unto the presbytery of Glasgow, to receive him as their Bishop, under the paine of banishment, & with a company of armed souldiers entred the Church, & pulled Mr. *David Weems* out of the pulpit, & being summoned to compear befor the Synod of *Lothian*, the King causeth

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summond all the Synod to compear before him at Sterlin the 12 of Aprile. Mr. *Pont* & some others compeared in name of the rest, & protested [*that albeit they had compeared to testify their obedience to his Mat. yet they did not acknowledge him or his council judges in that mater, which was an Ecclesiastick cause, & that nothing done at that time should prejudge the liberties of the Church*] But the Council rejected the protestation, & discharged them to proceed any further. And shortely thereafter, when the Generall Assembly is examining his processe, the King sendeth a letter to them, discharging them to proceed any further, & when they went on notwithstanding, they are charged by a Messenger of armes to desist under the paine of Rebellion, but they thinking it better to obey God, then man. ordained *Mr. Montgomerie* to compeer befor them the next day, who compeered not, onely a Proctor in his name appealed unto the King. The Assemblydid reject the appellation, & proceed to examine the libell given in against him, & finding him guilty of many hainous crimes, they ordaine him to be deposed & excommunicated, but ere the sentence be pronounced, they appoint some of their number, to aquaint his Maj. with their whole procedure: And ere long *Mr. Montgomery* submitteth, passeth from his appellation, acknowledgeth his faults, & professeth repentance, with such solemne obtestations, as affected the whole Assembly. Upon this the sentence is delayed, & the presbitery of *Glasgow* is appointed to advertise the provinciall Synod of *Lothian* (who were ordained to excommunicate him) in case he relapsed: And as they feared, so he returned to his vomit, & with violence intended to enter the pulpit, & when the presbitery, according to the appointment of the Generall Assembly, were beginning a processe against him, the Laird of *Minto* provost of the Town, presented a warrant from his Maj. to stay the processe. & when they were going on, he pulleth forth Mr. *John Howeson* minister at *Cambuslang* Moderator, & imprisoned him in the Tolbooth. But for all this *Mr Montgomery* is excommunicated by Mr. *John Davidson*, & the same was intimated in all the Churches. The council declareth the sentence null, against this the Ministers of *Edenburgh*

give open testimonies in their preaching, & for this cause they are commanded to remove out of the Town, within the space of twenty fowre houres. At this time there was an Assembly sitting at *Edenburgh* who send some of their number with a supplication to his Majesty wherein they shew, [*That indeed he was the Head of the Commonwealth, but only a member of the Church, & as a chief member he should have the chief care thereof, but now it was not so, their decrees are rescinded, they are forced by his servants, Ministers are drawne out of pulpits; that he was playing the pope, & usurping both the swords*] and when they come & present it unto the Council the Earle *of Arran* cryeth out, if there were any that durst subscribe the same where upon Mr. *Andro* Melvin answereth, we dare & taking a penne out of the clerks hand, sayeth to his brethren who were commissionated with him, *come forward*, & so he & they did subscribe the same.

This storme is not yet blowne over, for the next year 1583. Mr. *Andro* Melvin is summoned before the Council, for saying in his preaching, [„ That ministers should presente to princ-„es the example of their predecessours, as *Daniel* did the ex-„emple of Nebuchadnezar to Belteshar: But now if any should „hold forth what evill King James the third got by a com-„pany of flatterers, it would be presently said that he had „gone from his text, & must be accused of treasone.] But when he compeareth, he declineth their judgement, affirming that what was spoken in pulpit ought first to be tried by the presbytery, & that they could not *in primâ instantiâ* medle therewith: But they proceed, & though they could get nothing proven, for his declining, he is commanded to the Castle of *Edenburgh*, & then to *Blackness*, but being advertised of his danger by his friend, he retireth unto *Berwick*.

Anno 1584. the storme groweth to a height, for in May there is a parliament suddainly, conveened which dischargeth all Church judicatories, giveth the King power over all causes civil and ecclesiastick, & dischargeth all declining of the King & his Council in any mater, civil or ecclesiastick, under the paine of treason, & also all Ministers to meddle in sermons with the affairs

affairs of his Highnes & his Estate, see act 129, 130, 131, & 134. of the 8. parl. of King James sixt, when *Mr David Lindsay* Minister at *Leith* was sent by his brethren to intreat the King to passe no act in prejudice of the Church, he is committed to *Blackness* & there detained prisoner 47. weeks. And *Mrs Andro Polwart*, *Patrick Galloway*, & *Iames Carmichel*, are denounced rebels, & are forced to flee into England: So are the Ministers of *Edinburgh* forced to retire, leaving an Apology behinde them. But for all this when the acts of this Parliament were publishing, *Mr Robert Pont* protested, taking Instruments, that the Church should not be obliged to yeeld obedience thereunto, & being denounced rebell he fleth into England. Now is *Mr Montgomery* established Bishop of *Glasgow*, & one *Mr Adamson* (as naughty & vicious as any) is setled in *St Andrews*, & no sooner get they up their head, but as soon they execute their tyranny, & rage against the rest of the Ministry, compelling them to promise obedience to them, as their ordinaries, under the paine of banishment, confinement, imprisonement, deposition, & sequestration of their stipends: Wherenpon many, in this day of trial, did faint & subscribe, thinking it a sufficient *salvo* to adde (*according to the Word of God*) but afterward mourned for it. Now none durst pray for the Ministers who had fled, under the paine of treason, so dark a day was this.

But neer the end of the next year, there is a change at Court, & the Ministers returne, a Parliament is called at *Lithgow*, but nothing is done in favours of the Church. At length 1586. the King was desirous to have some setling in the Church, & appointeth a Conference in February at *Haly rood house*, where some articles were drawne up, & referred to the General Assembly. As 1. That the Bishop should have a care of one flock. 2. That some Ministers should be added to him, without whose counsell he should do nothing. 3. His doctrine should be examined by the meeting. 4. His power should be of Order & not of Jurisdiction. 5. Beside his own Church, he might have the inspection of moe. when the Assembly meeteth in *May*, they could not assent to all these ar-

ticles, yet at length, seeing they could not have all which they desired, they accorde to this, that both Bishops, and Commissioners should be subject to the triall of the Generall Assembly, & that, where they did reside, they should moderate provinciall Synods & Presbyteries, & in the meane time the order of the Presbyteries was sett down, & they proceed to examine the processe of Mr *Adamson*, who had declined the provincial Synod of *St Andrews*, & he submitteth. And the next year *Anno* 1587. Mr *Montgomery* resigned his place, & so was absolved from the sentence of Excommunication by the Assembly.

When the Parliament doth conveen this year *Anno* 1587, there are some Prelats who would sit there in name of the Church: but when the Church perceived this, *Mrs David Lindsay* & *Robert Pont* were sent to desire, that they might be removed as having no authority from the Church, & the most of them no function in it at all. The prelats finding themselves now in a staggering condition, thought it was their best to ingratiate themselves in his Majesties favour, & thereby secure themselves in their places, & therefore condiscended unto the Act of Annexation of all the Temporalites of benefices unto the Crown, which was a dilapidating of the Church rents. It is true *Spotiswood* putteth another face upon this busines in his History, but the man could change with the times, & speake another thing in his English History, then he durst speak in his Latine refutation, for there he sayeth: [*In summâ Ecclesiasticorum perfidiâ, proximis Comitiis Anno* 1587. *transactâ, & decreto ordinum actibus intervenientibus insinuata. Nam Episcopi durissima quæque à fratribus passi, non aliud perfugium habebant, quam ut Aulicorum libidini se dederint,*] he sayeth, The Bishops were so hard put to it, that they had no other refuge, but thus to satisfie the Court, & give away their revenues to their lusts.

Anno 1590. The Generall Assembly doeth abrogate the power of Commissioners, & devolveth the work on Presbyteries.

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Anno 1591. The Recantation of *Mr Patrick Adamson* is presented unto the Assembly, where, among other things, he confessed he had erred, in thinking, the governement of the Church was like other civil governements, & in labouring to have the Church in maters Ecclesiastick, subject to the Kings lawes: And with all he confesseth that the Earle of *Arran* had a minde to have burnt the Registers of the Assembly *Anno* 1584. & that at *Falkland* before they were delivered to his Maj. a Bishop & *Mr Henry Hammilton* took out some leaves, which spoke against the Govenement by Bishops, & that he had consented thereunto.

Anno 1592 in May the Generall Assembly doth meet, & resolveth on some propositions to be presented to the ensuing Parliament. As 1. That the Acts of Parliament made *Anno* 1584. against the discipline, liberty, & authority of the Church, be annulled. 2. That the Discipline of the Church be ratified. 3. That the Act of Annexation be repealed, and 4. That the Abbots, Priors, & other Prelats, bearing the titles of Churchmen, & giving voice in Parl. in name of the Church without her consent, be discharged to vote any more. When the parliament conveeneth in June. The liberties of the Church are ratified, & all her Courts, Generall, provinciall, and presbiteriall Assemblies, & Church Sessions: & the Jurisdiction & Discipline thereof [*is declared to be just, good, & godly in it self, in all time coming, notwithstanding of whatsoever statutes, acts, canons, civill or municipiall lawes made in the contrare*] All acts formerly made for establishing the Popes authority, are abolished. It is likeways declared that the 129. act *Anno* 1584. anent the Kings Supremacy, & against declining of the King & his Councill in Church maters [*shall be no wayes prejudiciall, nor derogate any thing, to the previledge that God hath given to the spirituall office-bearers in the kirk, concerning heads of Religion, maters of heresy, Excommunication callation, or deprivation of Ministers, or any such like essentiall censures, specially grounded, & having warrant of the word of God*] Item they abrogate & annull that act of parl. 1584. which did [*grant Commission to Bishops, & other Iudges constitute in*

Ecclesiasticall causes, to receive his Highnes's presentations to benefices, to give collation there upon, & to put order to all causes Ecclesiasticall] And they ordaine [*that all presentations to Benefices be directed to the particular Presbiteries in all time coming, with full power to give Collation thereupon, & to putt order to all maters & causes Ecclesiasticall within their bounds, according to the Discipline of the Kirk.*

Thus did the Lord cary on his work unto this period, notwithstanding of much oppositon which was made thereunto by men of corrupt principles, wicked lives, & who loved not to part with the Church rents, the sweet morsell which they desired alwayes to enjoy: & now is the Church there become a shineing Church, being reformed both in Doctrine & in Discipline now is she become a pleasant vineyaird well dressed, & hedged about, & defended from the wilde boars of the forrest. *King James* himself was convinced of this, when he gave this reason to an English divine why that Church was not troubled with heresie viz [*because if it spring up in a parish, there is an Eldership there to take notice of it, & suppresse it; if it be too strong for thē, the psesbitery is ready to crush it; if the presbitery cannot provide against the obstinate he shall finde moe witty he ads in the Synod; if he be not convinced there, the Generall Assembly will not spare him*] yea seldome or never did any errour trouble all those Courts, for usually it was crushed by presbiteries, except what some Bishops did maintaine. And thus that Church was indeed as an army with banners, & terrible to the adversaries of the truth. Then were there endevours to have a through worke of Reformation caried on; the iniquities of the land were searched out, corruptions in Ministers, & other ranks of people were taken notice of, affectuall courses were laid down for preventing such abuses in time coming. Publick Fasts were indicted & keeped whole eight dayes togerther. And thus [the Lord created upon every dwelling place of Mont Zion, & upon her Assemblies, a cloud & smoak by day, & the shineing of a flaming fire by night, for upon all the glory was a defence], Isai. 4. 5.

But this faire Summer Suneshine did not long last. The infinitely wise God saw it fitt to bring that Church unto a wil-

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derness again, & to cause her meet with a dark, dreadfull, & long lasting winter night. Satan stirreth up Papists upon the one hand, who saw that if this hedg, of discipline were keeped up, they could not enjoy the liberty & peace they desired; & prophane politicians & Courteours upon the other hand, who saw that by this Discipline their licentiousnes would be curbed, to bestirre themselves against this established discipline: And accordingly they use their power with the King, & at length prevaile to get him to oppose the discipline, & to prosecute that designe piece & piece till at length Prelats were established in all their power, as the following discourse will clearly evince.

When *Anno* 1596. the Popish Lords who had conspired with *Spaine* against the countrey, and had been upon that acount banished viz: *Huntly Arrol* & *Angus* were called home, the Church saw Religion in danger, & ordained that particular flocks should be advertised thereof, & indicted a Fast, & appointed that some out of each Presbitery should concurre with the Presbitery of *Edenburgh* in considering of the most expedient way for securing, of Religion: and now because the Church would not consent unto the Kings calling home those popish Lords, he is stirred up by his popish Courteours against the Church, & incroacheth dayly more & more upon her liberties. For Mr *D. Black* minister at *St Andr.* is cited before the Councill for some alledged expressions in his sermon. The ministry, seeing that the spirituall Governement of the house of God was intended to be quite subverted, thought it best that he give in a Declinatour & there in shew [that though he was able to defend all that „ he spoke; yet seing his answering to that accusation before „ them might import a prejudice to the liberties of the Church, „ & be taken for an acknowledgement of his Maj: jurisdiction in „ maters meerly spirituall; he was constrained to decline that Ju„ dicatorie. 1. because the Lord Jesus had given to him his word „ for a Rule, & so he could not fall under any civill law, but „ in so farr as he should be found, after triall, to have passed „ from his Instructions, which triall belongeth onely to „ the prophets. 2. The libertie of the Church and Disci-

„ pline presently exercised was confirmed by diverse acts of „ Parliament, ; and the office-bearers were now in peace- „ able Possession thereof] And this he did, and a Copy hereof was sent through the Presbiteries, to see if they would owne the same, and in testimonie of their chearfull & hearty owning therof, it was subscribed by three or fowre hundereth Ministers. This displeased the King so, that he by open proclamation commanded the Commissioners of the Church to depart out of *Edenburgh* within twenty fowr houres, under the paine of rebellion: but notwithstanding of this, they resolve to stay, & to see that the Church priviledges should not be wronged, & send some of their number to speake to his Maj. unto whom he answered, that if Mr. *Black* would passe from his Declinature, or if they would declare that the Declinature was not a generall, but onely a particular one, used in Mr. *Blacks* case alone, as being a cause of slander, & pertaining to the judgement of the Church, he would passe from the pursuite of Mr. *Black*. But, after consultation, the Comissioners resolved to adhere unto the Declinature, unlesse his Maj. would passe from the processe, & remitt the same unto the Church Judicatory, & would make an act of Councill, declareing that no minister should be charged for his preaching, &c. Whereupon the King charged the Commissioners of new to depart, & caused cite *Mr. Black* unto the *last* of *November*, & withall dischargeth all Barons, Gentlemen & others to meet with ministers in their Church assemblies; without his licence. When the day of Mr *Blacks* compearance cometh, the Commissioners presente a supplication, desiring them to remitt the question unto the Judge competent, but the Councill goeth on, & therefore they protest that the processe in hand, & whatsoever followed thereupon should not prejudge the liberty of the Church, in maters of Doctrine. Afterward the King sendeth unto the Commissioners, shewing he would be content with Mr. *Blacks* simple declaration of the truth. But worthy Mr. *Bruce* answered „ That if the mater did touch Mr *Black* alone, they were con- „ tent: but the liberty of Christs Kingdome had received „ such a wound by the Proclamations published the last Satter- „ day,

„ day, & that day by the usurpation of the Council; that if „ *Mr Blacks* life, & the life of twenty others had been taken, „ it had not grieved the hearts of the godly so much -- & „ that either these things behoved to be retreated, or they „ would oppose so long as they had breath.] Then the King condiscended to publish by a Declaration, that he would not diminish any lawfull power or liberty, which they or their Assemblies had, either by the Word of God, or lawes of the land, & that the proclamation discharging Barons & others to meet with ministers was onely meaned, of their meeting in armes, & that the Interloquutor of the Council should not be used against *Mr Black* or any other minister, untill a lawfull General Assembly, providing that *Mr Black* would declare in his presence the truth of the points libelled before some ministers. But afternoon the Kings minde was found changed, & becaus *Mr Black* would not acknowledge an offence, he is condemned by the Council, & his punishment is remitted to the King, & till his pleasure were known, he is confined. Then there is a bond devised to be subscribed by all the ministers, under the paine of the lose of their stipends. The tenor wherof followeth.

„ Wee the Pastors, & ministers of Gods word undersub- „ scribing humbly acknowledging our duty to God, & obedi- „ ence to the King our Souveraigne Lord, whom for conscience „ cause, we ought to obey; Confesse that his Grace is soveraigne „ Judge to us, & each one of us in all causes of sedition, & trea- „ son, & other criminall & civill maters, & to all our speach- „ es, which may import the saids crimes. albeit uttered by „ any of us publickly in the pulpits (which God forbid) or in „ any other place, & that the said pulpits, nor any other place „ whatsoever, hath not that priviledge & immunity to be oc- „ casion or pretence to any of us, of declining of his Maj^s judge- „ ment, in any of the saids civill or criminall causes, inten- „ ded against us, in any time coming: but rather that our of- „ fence is the greater, incase (which God forbid) any of us „ commit such crimes, in the saids pulpits, before the people „ where the word of Gods truth & salvation should be preached

by

„ by us to our flocks. In witneſs wherof, & of the humble „ acknowledgement of our duty in the premiſſes, we have „ ſubſcribed theſe preſents with our hands, & are content that „ the ſamine be regiſtrat in the books of ſecret Councell *in „ futuram rei memoriam.*

But faithfull miniſters refuſed upon all hazards to ſubſcribe the ſame, ſeeing that it was a croſſing of their Declinatour, contrarie to the acts of the Generall Aſſembly, & to the acts of Parliament, made in favours of the Church; yea & to the word of God, becauſe by this bond they ſhould have acknowledged the King to be both ſupreme & onely Judge over miniſters in all cauſes, & ſo to have power of Judging; & depoſing them, yea & of judging & trying their preaching, if it be but coloured with treaſon & ſedition; & of ſchiſme in the Church which is ſedition: and ſeeing thereby they ſhould be bound up from faithfull dealing in the name of the Lord; & becauſe they ſaw it was devyſed of purpoſe as a ſnare to their conſciences.

After this *Anno* 1596. the king driveth on his deſigne, & indicteth an Aſſembly at *perth*, & formeth 55 problemes, by which the Diſcipline of the Church, formerly eſtabliſhed, was queſtioned, to be there debated (theſe problems with the following Hiſtorie at more length are to be ſeen in the Hiſtorie penned by Reverend & laborious Mr *Petry*, & therefore a ſhort relation ſhall ſuffice here) & being perſwaded by his Courtiours, that he ſhould never gaine his purpoſe, till firſt he took ſome courſe to breake the Union of the Church, he prevaileth with Mr *Patrik Galloway* & Mr *Iames Nicolſon*, who had been chief, a little before, in adviſing Mr *Black* to decline, & cauſeth *Sr Patrick Murray* deal with the miniſters of the North to ſubſcribe the bond, & to chooſe ſuch & ſuch perſons to the meeting at *Perth*: and when the time of meeting cometh, theſe Commiſſioners from the North were ſeen going in companies to the king, & Mr *Nicolſon* was with the king till mid-night. They were for all this; two dayes in debating whether they were a lawfull Generall Aſſembly; but honeſt men proteſted againſt it. The meeting at length condiſcendeth to theſe particulars. 1. That no miniſter ſhould reprove his maieſties lawes

lawes, acts, ot ordinances, untill such time, as first he had, by advyce of Presbitery, Synod, or Assembly, complained or sought remedy of the same. 2. That none should be named in pulpit, except the fault were notour by the persons being fugitive, convicted by ane Assise, Excommunicated, contumacious after citation or lawfull admonition: and none should be vively described, except by publick vices alwayes damnable, 3. That there should be no summary Excommunication, untill the next Generall assembly. 4. That there should be no meetings among ministers, except in Church judicatories: and afterward they appoint fourteen of their number to reason upon the rest of the questions.

The next year *Anno* 1597. there is another Assembly at *Dundee* which being corrupted, doth grant 1. That Ministers in their exercises at Presbyteries should make no application of doctrine. 2. That Presbyteries should meddle with nothing, but what, without all question, is Ecclesiasticall. 3. That summare Excommunication be suspended, & 4. That Presbyteries should desist upon his Majesties desire. Also at the kings desire they choose fourteen of their number, giving power to them, or any seven of them to advise with his Maj. about a way of setling stipends unto ministers, to provide ministers to eminent places of the Countrey, to present petitions & grievances of the Church to his Maj. & to give his Maj. advice in maters serving for the good of the Church. These pretexts seemed plausible to many, but the event will shew what was really intended: For ere long these Commissioners, as they were called, incroach upon the power of Presbyteries, & Synods, & whether the Presbytery of *Saint Andrews* would or not, did put both Mr *Wallace* & Mr *Black* from the Church of *Saint Andrews*, & put in one Mr *George Gladstons*, & then at their own hand, they did supplicat the Parliament, which conveened in December. That ministers, as representing the Church, the third Estate of the Kingdome, might have liberty to vote in Parliament (an evill, under which the Church had been groaning, before, a long time) The parliament, thinking (but without ground) that the ministers would never

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take upon them the titles of the former Prelats, passed this Act.

That such ministers as his Maj: should be pleased to provide to the place, title, and dignity of a Bishop, Abbot, or other prelate, should have that liberty: and as concerning their office in the spirituall policy of the Church, it was remitted to be advised by his Maj: & aggreed upon with the Generall Assembly; & that without prejudice of the spirituall Jurisdiction & Discipline of the Church, permitted to Generall Assemblies, Synods, Presbiteries, & Sessions, & established by *Law*. Then they move the King to call an Assembly at *Dundee* before the time appoynted, to the end they might get their own deed approven; where, after much worke, & after many threatenings to some, & promises to others, made by the King himself who was there present, & had commanded *Mr Melvin* & *Mr Johnston* Professours of Theology in *St. Andrewes* forth of the town, under the paine of banishment, their deed is approven. But zealous & faithfull *Mr Davidson* arose & protested in his own name, & in name of all the ministers of Scotland who would adhere to his protestation, against that Assembly, & the two last preceeding Assemblies, as null, & not lawfull, & when he removed severall of the ministers followed him, & subscribed the same. The meeting went on, & renewed the former Commission unto twenty Commissioners, whereof nine should be a quorum, among whom was *Mrs Iames Nicolson*, *George Gladstones*, *David Lindsay*, *Alexander Lindsay*, *Andro Knox*, *Gavin Hamilton*, & *Alexander Douglas*, (whom the king by any means would have named) who were all bishops afterward. Thereafter there were severall meetings, as one at *Falkland July* 29. 1598. where were some debates about this mater. & some cautions condiscended on, limiting these Parliamentary Ministers, To propone nothing without expresse warrant from the Church. To be accomptable to the Generall Assembly, & subject to their Presbitery & Synod. To usurp no power of Jurisdiction or Ordination, but every way else to cary themselves as other ministers, & the like; & to all these, & other points necessary they were bound to swear & subscribe. But how litle

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regard was had to these Cautions, sworne, & subscribed, may be seen by what *Spotiswood* sayeth in his History pag. 453. viz [*That it was neither the Kings intention, nor the mindes of the wiser sort, to have these Cautions stand in force, but to have matters peaceably ended, & the Reformation of the policy made without any noise, they gave way to these conceits*] So was there another Meeting at Halyrood house in November 1599. but in all these meetings the honest party could prevail nothing, the king did so violently cary on his purpose.

Anno 1600. There is a Generall Assembly at Montrose, where the matter is againe debated, but no answer made to the arguments of the honest party, onely the Kings authority is made use of, as an answer to all: And so at length, what by menaces, what by flatterings made by the king himself, who was there present, the former resolutions are concluded, onely they allow of the Cautions condiscended on at *Falckland*, & will have these Parliamentary Ministers to give an accompt yearly unto the Generall Assembly, & lay down their Commission. But these Commissioners, or Parliamentary ministers, being mounted up so high, thought it below them to stand to any promise, or condition, having never resolved so to do, as we have heard out of *Spotiswood*, who in his latine pamphlet called *Refutatio libelli*, &c. sayeth also the same [*Conditiones quod attinet, quas fœde violatas clamitat, in nonnullas, utpote æquas & justas facile assensum, alias pro tempore magis, quo contentiosis, omnis vivandi ansa præriperetur, quam animo in perpetuum observandi, acceptæ.*] that there were some of these Cautions which they never intended to keep, onely they did accept of them, that more peaceably they might be put in possession of that which they were gapeing for. Thus it is undenyable that these men arose to Prelacy by open and avowed perjury, as their successours of late have done.

Anno 1601, & 1602. The Assemblies follow forth his Maj. designe, for there was a complaint given in by the Synod of *Fife* against these Parliamentary ministers, as breaking all bounds & caurions, but they are not heard. That assembly 1602. do indict their next meeting at *Aberdeen* in July 1604;

1604. but the Parliamentary ministers, fearing that they should be called to an account, move the king to prorogue the same, unto July 2, *An.* 1605. yet the Commissioners from *St Andrews* presbitery viz Mrs *James Melvin*, *William Erskin*, & *William Murray* went to *Aberdeen* the day appoynted, & presented their Commissions, taking Instruments in the hands of two publick Notars, before some ministers of the towne, & others. When the next dyet, *Anno* 1605. was approaching, they move the King to prorogue againe the Assembly unto an indefinit time, & therefore from *London* he sendeth to the Commissioners to stay the meeting of the Assembly, untill he gave advertisement, wherupon they write to severall Presbiteries in the South pairts, adviseing them not to choose Commissioners to meet at *Aberdeen* the fifth day of July, (of purpose to deceive them concerning the day, which was the second, & not the fifth: that so, such as would meet the second day, being so few, might easily be moved to dissolve, before the rest came, who would intend onely to keep the fifth day) But the honest party, perceiving how their liberties were now in danger, did resolve to meet at *Aberdeen*, & accordingly there cometh from parts neerby some against the second of July, unto whom *Lawreston* his Maj. Commissioner presented a letter from the Councell, & desired an answer. They replyed, that they behooved first to constitute themselves, & after he had withdrawn, they choosed a moderator & Clerk, & then read the letter, wherein there were two things desired, first that they would dissolve the meeting, & next that they would appoint no other day, untill his Maj. were advertised. As to the first they answered that they were ready to dissolve the meeting, there being so few present. To the next they answered that if *Lawreston* as his Maj. Commissioner would name a day, they would aggree thereto, if not, they behooved to preserve their liberty, & so, seeing *Lawreston* refused, they appointed the next Assembly to be at *Aberdeen* the last Tuysday of Sept. & advertised Presbiteries therof. When *Lawreston* seeth this, he protesteth against them as no lawfull Generall Assembly, & giveth his reasons, which were answered, & they protest to the contrary, & thereupon

upon by a messenger of armes he chargeth them to depairt under the paine of treason, & because, as he alledged; he had discharged them, the night before, by open proclamation at the mercat Crosse to conveen under the paine of treason, he causeth denounce them rebells. Whereupon in *Septr.* Mr *Welsh* & Mr *Forbes* were imprisoned by the Councill in *Blackenesse*, & in *Octr.* others were incarcerat. In the mean time, there is a Declaration dated at *Hampton Court* Septr 26. indicting an Assembly at *Dundy* the last Tuysday of July next. Now the imprisoned ministers petitioned that the triall of that Generall Assembly might be referred to the indicted assembly at *Dundee*, but are not heard. And therefore, when they are sisted before the Councill Octr 24. seeing that certainly the Assembly would be condemned, they give in this Declinature following [„ please „ your Lo: The approbation or disallowance of a Generall „ assembly hath been, & should be a matter spirituall, & „ alwayes cognosced & judged by the Church, as Judges „ Competent within this Realme, & seing we are called be- „ fore your Lo: to hear & see it found & declared, that we have „ contemptuously, & seditiously conveened, & assembled our „ selves in a Generall assembly at *Aberdeen*, the first Tuysday „ of July last, & the said assembly to be declared unlawfull, as at „ more length is contained in the summonds, executed against us. „ We in consideration of the premisses, & other reasons to „ be given in by us, have just cause to decline your Lo. judge- „ ment, as no wayes competent in the Cause above specified - „ & by these presents we *simpliciter* decline the same, seing we „ are most willing to submit our selves unto the triall of a Ge „ nerall Assembly which is only the Judge competent.] When the King heareth of this Declinature, he sent down directions to the Councell to proceed against them according to the lawes, & sent down the Earle of *Dumbar* for that effect. Whereupon six of them viz *Mrs Iohn Forbes*, *Iohn Welch*, *Andrew Duncan*, *Iohn Sharp*, *Robert Dury*, & *Alexander Strachan*, are endited of high treason upon the act of Parliament. 1584. & sisted before an Assise at *Lithgow* and what by illegall procedures, & threatenings, with fair promises, used by the

Earle of *Dumber* unto the Assisers, some of whom were his own near kinsfolk, & particularly by assurances that the king would not take their life, they are declared guiltie of treason by nine of the fifteen Assisers, & so sent back to their prisons. Then doth the king send for *Mrs Andro Melvin*, *Iames Melvin*, *Iames Balfour*, *William Watson*, *William Scot*, *John Carmichel* & *Adam Colt*, & detaineth them long at *London*, seeking to intangle them with questions & at length Mr *Andro Melvin*, is imprisoned in the Tower, till the Duke of *Builogne* three years thereafter procureth liberty to him to go with him Mr *Iames Melvin*, dieth at *Berwick*, & the rest are confined to severall places, of the countrey. While these ministers are at *London*, the king signifieth his minde, that the six condemned ministers should be banished out of his Dominions, & the other eight should be confined as followeth. Viz; *Mr Farme* in *Bute*, *Mr Monro* in *Kintire*, *Mr Youngson in Arran*, *Mr Irvine* in *Orkney*: Mr *William Forbes in Yetland*, *Mr Gray* in *Caitnesse*, *Mr English* in *Southerland*, & *Mr Rosse* in *Lewes*.

In this same year *Anno* 1606. there is a parliament conveened in July, which acknowledgeth his Maj. *soveraigne authority*, *princely power*, *royall prerogative*, & *priviledge of the Crowne over all Estates*, *persons*, & *causes*, & promiseth to *maintaine the same with their lives*, *lands* & *goods*, & restoreth the bishops to their *ancient*, & *accustomed honour*, *dignities Prerogatives*, *Previleges*, *livings*, *lands*, *teinds*, *rents thirds*, & *estates* & rescindeth the act of annexation. Unto this Parliament the Commissioners from Synods & presbiteries „ gave in a protestation, desiring them to keep within their due „ bounds, & reserve unto the Lord that glory, which he will „ communicate neither to man nor angel viz: to prescribe „ from his holy mountaine a lively patterne, according to „ which his own tabernacle should be framed, & that they „ would not bring into the kirke of God, the Ordinance of „ man, which hath been found the ground of much evill, & „ of that Antichristian Hierarchie. That they would not build „ *Iericho* againe, contrare to their oath & subscription, nor suffer „ that Estate of Bishops to arise, which they offered to prove

„ to

„ to be against the word of God: the ancient Fathers, & Ca-
„ nons of the Church, the moderne most learned, & godly
„ Divines, the Doctrine & Constitution of the Church of
„ Scotland, the lawes of the Realme, the well & honour of the
„ kings Maj. the peace & quyetness of the realme & the well
„ of all & every one of the subjects, and then. In the name
„ of the Church in generall, & of their presbyteries, & in their
„ own name & of all other pastors, for discharging of their
„ duety & consciences, they did protest against bishopry &
„ bishops, & against the Erection, Confirmation, or Rati-
„ fication thereof, requireing the samine to be Registrated.
This protestation was subscribed by many ministers, & among others by *Mr Adam Banatine*, *Mr Iohn Abernethy*, & *Mr William Couper*, who afterward became bishops themselves.

When prelats are thus advanced to their civill dignities, there are wayes essayed for advancing them in their spirituall power: and this same year there is an assembly indicted at *Lithgow* the 10 of *December*; but onely some presbyteries, in whom the king confided most, were advertised hereof, & the businesse was carried so closely that the moderator of the last assembly knew nothing of it. Here, after some debate, the overture propounded by his *Maj.* in his letter, viz: that there should be constant moderators in presbyteries chosen, & that where the bishops did reside, they should moderate, both in Synods & presbyteries, is concluded, & some cautions added, but to no purpose for there was a clause annexed, which did cast all loose, viz *that if, either upon his Maj. advyce & proposition to the assembly, or upon their own supplication, the Generall assembly were moved to grant a relaxation of any of the Caveats, that then their promise should make no derogation to their liberty.* Synods & presbyteries refused to owne this Act, but at length were charged to obey under the paine of treason.

Anno 1608. There was another Assembly at *Lithgow* July 26. but did no good, thereafter there were some conferences at *Falkland* & *Sterlin*, but to no purpose, the intended businesse was still carried on.

Anno 1610. Juny 6. There is a meeting at *Glasgow*, unto which resorteth all the constant Moderators, who had their hundreth pounds per annum, and they bring with them other two ministers, such as they liked, & whom the king desired by his letters. The king had three Commissioners there. The Earle of *Dumber* was sent thither with a strong guard to affright the ministers, so as severall ministers; coming out of the west with a purpose to protest were forced to returne back againe. There was also money brought thither to hire votes. *Mr Spotswood* sayeth it was to pay the constant Moderators their due. But *Mr Lawder in Coberspath* was no moderator, & yet he came to the Earle & complained that *though he travailed furdest, and had least to live upon, & though his vote was as good as the best; yet he was neglected*, to whom the Earle replyed, that he was too late in coming, & asking his purse-master *what was left*, he findeth there was nothing but seventeen Shilling Sterlin to give him: *Come* (sayeth *Mr Lawder*) *let me have it, it will help to beare my charges homeward:* And the *Non liquets* got nothing. At this corrupt meeting it is concluded 1. That the indiction of all Generall Assemblies belonged to the king, by the prerogative of his Crowne, & without his license all such meetings were unlawfull. 2. That Synods should be moderated by the Prelats, or some appointed by them. 3. No excommunication or absolution without the Bishops approbation, & direction, who is answerable to God & to his Maj. for his proceedings 4. All presentations must be directed to the Prelats. 5. That he with some associated, should silence & depose ministers. 6 That every minister, at his entry, should swear obedience to his Maj. & to his ordinary as it was ordained Anno 1571. 7. If any minister absente himself from the Bishops visitation, he shall be suspended, & if he amend not, deposed. 8. That the exercises (or *quondam* presbyteries) should be moderated by the bishops, or whom they will appoint. And 9. That no minister speak against any of the foresaid acts in publick, nor dispute about the equality or inequality of ministers.

This yeer also was the *High Commission* instituted, & proclama-

claimed by a Herald giving power to the Archbishops to depose, excommunicat, imprison, fine & confine, for causes Ecclesiastick, whether in Doctrine, or manners, whether in Noblemen, ministers, or common people.

When the meeting at *Glasgow* is dissolved, Mr *Spotiswood* of *Glasgow*, Mr *Lamb* of *Brichen*, & Mr *Hamilton* of *Galloway*, go to London & there are consecrated the 21 of *Octob.* & when they returne, they consecrate the rest, & then all of them domineer over the people, & over the faithfull ministers.

Anno 1612. a Parliament conveened, which ratified all the acts of that meeting at *Glasgow*, & inserted in their Registers the oath which every minister, at his admission was to swear thus,

„I A,B. admitted to the Kirk of *D.* testify & declare in „my conscience, that the right excellent, right High, & „mighty Prince, *James* the sixth, by the grace of God King „of *Scotland*, &c. is the onely lawfull supreme Governour of „this Realme, as well in matters Spiritual & Ecclesiastick, as „in things temporall, & that no forraigne Prince, State, nor „Potentate, hath or ought to have any Jurisdiction, Power „Superiority, Preheminence, or authority, Ecclesiasticall, or „Spirituall within Realme. And therefore I utterly renunce „& forsake all forraigne Jurisdiction, Power, Superiorities, „& authorities, & promise that from this forth, I shall & will „bear faith & true allaidgeance to his Highnesse, his aires, & „lawfull successours: And to my power shall assist & defend „all Jurisdictions, Privileges, Preheminences, & authority, „granted & belonging to his Highnesse his aires & lawfull successours, or united & annexed to his Royall Crown. And „furder, I acknowledge & confesse to have & to holde the said „Church, & possession of the same, under God, of his Maj. „& his Crown Royall of this Realme. And for the saids possessions I do homage presently to his Highnesse in your presence, & to his Majesty, his aires, & lawfull successours „shall be true. *So help me God.* And also I A, B. now admitted to the Church of C. promiseth & sweareth to *E. F.*

„ Bishop of that Dioecy obedience, & to his successours in all „ things lawfull. *So help me God.*

Anno 1616. There was a meeting of the ministers at *Aberdeen*, appointing that a book of Common Prayer be made, & that children should be confirmed by the bishops or visitors in their name.

But the year before this, the former commission, for the High commission was renewed, & instead of the two Courts in the two Provinces of *Saint Andrews* & *Glasgow*, there is one appointed, consisting of 55 or 56. one of the Archbishops is *sine quo non*, & he & other five may do all; Such as refuse to compeer are sisted by force, by the Sherifs, & other magistrats. They meddle with blasphemie, heresy, schisme, errour, Idolatry, simony, lotry, absence from the Liturgy on holy Dayes, perjury, incest, adultery, fornication, rapes, clandestine marriages, stricking of clergy men, speaking against their meetings. They have power to excommunicat, silence, depose, fine, imprison, & confine as long as they please, & the Secret Councell must pursue the contumacious as rebells.

Anno 1617. A Parliament conveeneth, at which the King himself is present, & maketh an act [*That what soever his Maj. should determine in the externall governement of the Church with the advyce of the archbishops, Bishops, & a competent number of the ministry, should have the strength of a law*] when the honest ministry hear of this, & see thereby a door opened for bringing in all the English-popish Ceremonies, they give in a Protestation against the same, which when the king heareth he causeth the Clerk passe by that act, when he was to read all the rest. And now the king is violent for the Ceremonies, & chideth the Archbishops for not receiving the five articles, as he commanded the former year: and they promise to do it, if he would indict a Generall assembly. And upon Mr *Galleway's* undertaking the king indicteth a meeting at St *Andrews* Nov. 25. 1617. At this assembly no more could be gotten yeelded to, but private Communion, & that ministers should give the Elements in the Lords supper out of their own hands to

each

each Communicant. But all this did not satisfy his Maj. & therefore he wrote sharpe letters, to the Archbishops & commanded them to preach on Christ-masse day, & to celebrat the Lord's supper with all the solemnities.

Anno 1618 there is another meeting called at *Perth August.* 25 unto which the king sent seven Noblemen, & fifteen Barons, & Gentlemen, *Spotiswood* took upon him to moderate, & read the kings minacing letter, & named a Committee for the articls, nothing regarding the liberty of the assembly, to gratify the king. The honest party offered reasons both for a delay, & against the Ceremonies, but all in vaine: *Spotiswood* told them that he would send all the names of such as refused, unto the King, & asked the votes of many who had no Commission, & so obtained what he desired, for all accorded unto the five articles viz: *kneeling at the Communion, private Communion, private Baptisme, observation of Holy dayes, & Confirmation of children*, except one Nobleman, one Doctor. 45. ministers. But when the honest party looked back to the many informalities at this meeting. 1. No lawfull premunition, but onely 20 dayes, by which meanes many were absent. 2. No liberty to choose a moderator. 3. No free disputing or voteing, but members overawed, 4. The assembly prelimited by the votes of the articles. 5. Such as wanted Commissions did vote, & others who had Commissions, were not suffered to vote &c. they looked upon it as no lawfull Generall assembly, & published their reasons in print.

After the dissolving of this meeting; *Spotiswood*, to make all sure; ratifieth all these things in the High Commission, & though he & others had said, that if they would give way to the passing of the act to humore his Maj. no man should be compelled to obey, yet now by the power of their High Commission, they force many to obey, under the paine of deposition, imprisonement, & confinement, & so they rage without all law.

But at length *Anno* 1621. *there is a parliament conveened, unto which the Honest ministers give in a supplication for safe liberty to enjoy the true Religion, as Reformed in* Doctrine, *Sa-*

eraments, & discipline; & openly professed, sworn, & practised, by Prince, Pastor, & people of all ranks, without Innovations: and that they would not suffer the faithfull honest ministers to be smitten, & the flocks to be committed to wolves & blinde guides. But July 24. they were all discharged forth of the towne by open proclamation: The presenter of the petition Mr *Andrew Duncane* minister ar *Crail* was incarcerated. When the ministers remove conforme to the proclamation, they leave in write behinde them strong reasons why the Parliament should not ratify the acts of the pretented assembly at *Perth*, & shew both the nullity of the assembly in point of formality, & the illegality of any such Ratification, as being against severall acts of Parliament, his Maj. proclamation published & printed, & the Nationall Covenant, & upon severall other grounds. As also they leave a most Christian & faithfull admonition to the well affected Nobility, Barons, & burgeses members of Parliament, unto constancy & faithfulnesse. Yea moreover in case all this should not prevaile, they leave a Protestation in write: but the minister who had it to present gote not accesse, & so was forced to affix Copies thereof upon publick places of the towne.

But notwithstanding of all this, there is a fixed resolution to have these articles ratified, which made some honest members with draw: severall informalities are used, contrary to the usuall freedome of Parliament, much pains taken to gaine some, & after the report was made to go, that the Parliament would not rise for severall dayes to come, which made severall members the more secure; *Saterday* the 4 of *August*. was pitched upon, as the fittest time, for closeing of the business, & all the articles are put together, & the question stated *Aggree* or *Disaggree*, & what by one way & another the acts are ratified. But observable it was how the Lord did give his Protestation against this ratification from heaven (though *Spotiswood* blasphemously paralleleth it unto the Lords shewing of himself at the giving of the Law) for at the very instant when the king's Commissioner arose to touch this act with the Scepter, there came in at the windowes a great lightening, & after

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that another greater; & then a third most terrible: Immediatly there followed an extraordinary darkneſſe astonishing all. The lightenings were seconded with three terrible claps of thunder, & then their came an extradinary great showre of haile, & after all this such a terrible showre of raine, that made the streets to run like rivers, by which meanes the parliament was constrained to stay within doores, an howr & an half, & went home thereafter without their robes.

Upon the 20 of August, when these acts were published at the Crosse, the minister, who was intrusted with the Protestation, affixed a copy thereof upon the Church door, & another upon the Crosse, & a third upon the Palace gate of Haliroodhouse, & took Instruments in these words [*Here in the name of the brethren of the ministry, professing the Religion, as it hath been practised in our Church, since the Reformation of the same, I protest against all these things, that have been concluded, in prejudice of our privileges, since the first Reformation thereof, & adhere to my former Protestation made & fixed on the Tolbooth door, & other places, & to all the Protestations made in favours of the Church, in the time of the preceeding Parliaments*] And God from heaven did declare his dissent, for dureing the time of the reading of these acts there was nothing but thunder, fire, lightenings, & raine. And thereafter the Lord made the whole countrey feel the weight of his anger, for the cornes did rott through exceſſive raines: waters became so great that they sweeped away in severall places cornes, cattell, houses, plenishing, people & all. The great bridge of *Perth* where these acts were first concluded was taken away, & never repaired to this day, yea & the whole towne almost drowned, many of the Sea-townes which favoured the Articles, received great dammage by Sea. And there followed three years dearth & famine, & Epidemick diseases, wherof many died. Thus did the Lord plead from heaven his controversy, & testify his displeasure against those courses.

But notwithstanding of all this, the Prelats, having now all power in their hands, prosecute their worke, & tyrannize over all ranks, so as the inhabitants were more affrayed of

crossing their commands, then the commands of the king himself, for they banished out of their bounds such gentlemen as they pleased, imprisoned what magistrates they thought fit, upon any light occasion, were it but the hearing of their own old minister, after he had been silenced by the bishop, or the not sisting of one, though their own father, before their tyrannicall Court.

Now is there a black cloud over the Church for many years, piety is dayly decaying, formality, & profanity increasing, the godly are mourning & lamenting, & the wicked rejoyceing. But the Prelats have not yet ended their purpose.

For *Anno* 1633. when King *Charles* was present at a Parliament, there is an Act carried through (but not without some opposition made thereunto by some of the Nobles) granting power to his Maj. to command what habits he pleaseth for all men in office, whether in Church or State, & that as a priviledge annexed to the Crowne, & by this means a door was opened to bring in the *Surplice*, the *Corner cap*, & other trash. These worthies being traduced by the Prelats, as contemners of authority, & sowers of sedition in Church & State, procure the kings displeasure by their freedome; For the king did not onely chide them openly, but with his own hand he wrote down their names, as disloyall subjects; which made these Nobles thinke of drawing up a supplication, which being drawn up by *William Haig* his Maj. solicitour, was committed to the trust of the *Earle of Rothes* & *Lord Loudoun* to present it as they found conveniency, but they perceiving that it would not be well accepted resolved to keep it up: But at length some way or other a copy thereof cometh to the Bishops hands, & they deliver it unto the king, & withall complaine of those Noble-men, as standing in the way of his subjects yeelding chearfull obedience: And upon their importunat requests, there is a Commission granted to certaine persons, as a committee to proceed against the Authors & abettors of that supplication, as guilty of sedition & treason. Whereupon *William Haig* fleeth, & all his goods are confiscat. Some Noblemen

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are questioned, & the Lord *Balmerino* who had the supplication in his custody, is imprisoned & at length condemned to die, but obtaineth pardon.

Now the prelats do reigne, there being none who durst peep, or move a wing against them. The Achprelate of *Saint Andrews* was Chancellour, other eight of the prelats were in great places, being either Lords of the privy Councell, or Lords of the Exchequer: & being thus lifted up in power & honour, they are puffed up with pride, & what durst they not attempt now (thinke they) Therefore they proceed to do more wickedness, & draw up a book of Canons, which was printed, & approven by the Kings Maj. & all were commanded to obey the Bishops in all points. By this book that which remained of presbyterian governement is taken away. Parochiall Sessions, & Classicall Presbyteries are accounted Conventicles; Ruleing Elders & Deacons are cast out of the Church, & all Ecclesiasticall causes are brought only to the Pelats tribunall. So were they about the drawing up of a Liturgy, & a Book of Ordination, against which, before ever they were printed, or seen, all were discharged to speak under the pain of Excommunication. And at length, the book of Common Prayer is published & imposed on the Church by the kings command, as the onely forme of publick divine worship. Every Parish is commanded to have two at least of these books, under the paine of horning & being punished as rebells: And a strict command cometh forth, enjoyning the same to be used from *Pasch* & forward *Anno* 1637. But some of the Prelats as of *Rose & Dumblaine*, did anticipate the day, & made use of it in their Cathedralls, Others of the Prelats propone the matter to their Synods: but the Ministers replyed that such a change should not be made without a Nationall Assembly; but it was answered that they were the Representatives of the Church: However some prelats gave Ministers liberty to advise untill *Octob.* but through the furious importunity of some a letter is procured from his Maj. commanding the useing of the Liturgy with all expedition in the Churches of *Edinburgh*; The Ministers being called

to

to see what they would do, such as refused are presently suspended.

SECTION II.

The way how the Lord brought down these Prelats & the History continued.

IT was sad & lamentable to see what a face the Church of Scotland had now: No hedge of Discipline to keep the vineyaird from foxes, & wilde boars, all the Discipline which was, was tyrannie over consciences, & over mens persons, & estates, profanitie was not curbed, but encouraged, Prelats themselves being chief in all those crying abhominations, as will be cleared ere long: yea that poor Church was now posteing fast to Rome. The Prelats & their underlings, beside the points of Arminianisme (which were accounted speciall pieces of their qualification) did avow openly severall points of Popery; so that it was taught publickly in the chief Citie. That *the Pope was not Antichrist*. And thus all things were growing worse; the worship corrupted & like to be corrupted more, & the mindes of people were filled with feares, that God would depairt, & leave that Church altogether; so that their case looked most deplorable, & desperat like. But as oftentimes the Church & people of God have found him, who was the hope of Israel, & the Saviour thereof in times of trouble, a ready help in time of need, so did the poor Church of Scotland finde it now by experience, that whe the storme was sorest, it was neerest an end, & that this was as the darke houre before the dawning of the day: for now the Lord awaketh as one after wine, & looketh through the cloud with Compassion on a long tossed, & sorely afflicted Church, which had groaned under oppression of cruell task-masters, till they could do no more, & sheweth that his

his hand was not shortened, that it could not save, but that he was the hearer of prayer, & that now his appointed time was come, to take vengeance on his adversaries, even the vengeance of his Temple: And as ordinarily the Lords great works appear to carnall reason to be despicable at the beginning; so the Lord began this great change & alteration of affaires in that poor Church, in a way that seemed not to promise much, yet such a way it was as the hand of God was to be seen in it, and seen carrying of it on wonderfully as shall appear.

In obedience to his Maj. last letter, which commanded the reading of the liturgie in all haste, the Bishop of *Edenburgh*, the first sabbath day thereafter resolved to do it, & when he beginneth, there ariseth a tumult among the people, begun by some women, which encreased so as that the prelate, when he came out of the Church, did hardly escape, & in the rest of the Churches of *Edenburgh* the reading was stopped: Immediatly after dinner the *Secret Counsell* did meet, & resolve to search out the authors of this tumult, & commanded the use of the service book, & all to speake reverently of the Bishops; but, notwitstanding of this, the people rage more then ever, against the Prelats, & after the afternoons sermon they set upon the Prelate with stones, & forced him to flee.

About this time, in other pairts of the Kingdome the ministers & honest people, who were urged, & could not give obedience, resolved to follow a more regular way, and to supplicat the Councell, & to give in a note of the errours contained in these books, which accordingly they did: so from severall pairts of the Kingdome, there came Ministers & professours with supplications, sheweing how erroneous both the liturgy & the other books were, & how dangerous a thing it was, to bring in Innovations in a Church, how the Reformed Churches of *Austria* were undone by the violent obtrusion of a liturgy; how in the time of *Charles* the Great, the Church was miserably rent, some adhering to the *Ambrosian* Liturgy others choosing the *Romane* of *Gregorian* Liturgy; how dangerous it was to change the Worship, & bring in a worse; & how

how the King feure years before, at his Coronation, did so-lemly swear that he would alter nothing in the Kingdome of Scotland, without the free consent & advice of those having Intereſt. Unto theſe Supplications the Councill at firſt gave a favourable anſwere & told that it was not their minde, to preſſe the publick uſe of theſe books, & that they had forbidden the Bishops to preſſe the uſe of theſe books any more, & that they had ſignified their minde to his Maj, & were expecting a returne. The petitioners likewiſe ſent their ſupplications to his Maj. with the Duke of *Lennox*, who was then returning to *London*, & withall did wreaſtle with God by prayer & faſting that he would incline the Kings heart to hearken unto their juſt deſires, & would fruſtrate the endeavours of their adverſaries. But when the expreſſe cometh from his Maj. all the anſwere they get, is, an Edict published *Octobr* 18. commanding them to go out of the towne of *Edenburgh* within few hours, under the paine of Rebellion. When the Petitioners ſee this, the next day, they reſolve to act all together joyntly, that his Maj might know it was not a few Puritanes (as the impure Prelats were pleaſed to nickname them) but a great mulitude of his Maj. moſt loyall ſubjects of all ranks, who were diſſatisfied: And they draw up a complaint againſt the prelats, & deſire liberty of the Councell to purſue them legally, as being the onely authors of the Book of Canons, & liturgy, which containe the ſeeds of Superſtition & Idolatry, & as being guilty of many other crimes, & that under the higheſt perrill: And withall they shew the Councell that they could not leave the towne, untill they ſaw ſome courſe taken for delivering the land from the preſent & imminent dangers. When the Councell ſaw that the number of the Petitioners was great, & dayly increaſing, fearing the worſt, they deſired the petitoners would chooſe ſome of their number as their Commiſſioners, to proſecute their buſineſs, that the multitude might depairt, & this was yeelded unto. But ere long the Conncell is diſcharged by an Expreſſe from his Maj. to meddle any more in that matter: Whereupon the Supplicants are neceſſitated to draw up a Pro-

a Protestation, declaring that if any tumult arose, through their prosecution of the Cause, the Councell onely might be blamed, as refusing justice. When the Counsell heareth of this, they resolve to hear the desire of the Commissioners, & advise the Bishops to withdraw themselves. When the Commissioners compeer, they show their Intention was to prosecute their business against the Prelats, whom they would prove guilty of grievous crimes, under the highest perrill, & therefore desired the prelats might be excluded, it not being fit that parties should be judges, The Councell, because of the forementioned Expresse, might do nothing: Onely they write to his Maj. who thereafter sendeth for the Earle of *Traquair*; but he, for fear of the Prelats did misrepresent the Cause of the Supplicants, & returned with a Proclamation from his Maj. which he caused publish at *Sterlin* (where the Councell was sitting) in *Febr.* 1638, In which Proclamation the King owned the books which the petitioners did supplicat against, and condemned the meetings of the Supplicants, as conspiracies contrary to the lawes of the Land: Against this the petitioners prepared a Protestation, a copy wherof was affixed at the Crosse of Sterlin, & herein protested against these Books, as full of errours, as Innovations; against their refusing to receive libells against the Prelats; against the High Commission Court obtruded on Scotland contrary to the fundamentall lawes of the land, without any Municipall law: That prelats should not be judges in their own cause: And that all their own meetings were lawfull: And that they could not forbear with a good conscience, unlesse they should wrong the Glory of God, the honour of his Maj. & the liberties of kirk & Kingdome. And becaus they were commanded to depart forth of the town of *Sterlin*, they go together towards *Edenburg*, & there after serious thoughts they finde the maine procureing cause of all these calamities, to be the violation of the Nationall Covenant, & therefore unanimously they resolve to renew that Covenant, & accordingly they draw it up, with some explicatory additions, & confirmations out of the acts of Parliament, & binde themselves [*to adhere unto*, & *defend the true* reli-

Religion, & (forbearing the practise of all novations already introduced in the matters of the worship of God, or approbation of the corruptions of the publick goverment of the Kirke, or civill places & power of Kirkmen, till they be tried & allowed in free Assemblies & in Parliaments) to labour by all meanes lawfull to to recover the purity & liberty of the Gospell, as it was established, & professed before the foresaid Innovations] & promise & swear to *continow in the profession and obedience of the foresaid Religon, to resist all contrarie errours and corruptions, And that they had no intention to attempt any thing, that might turne to the dishonour of God, or to the diminution of the King's greatnes and authority, and to defend themselves mutually in the same cause, &c.* When the Covenant is thus drawn up it was subscribed by all present, & copies thereof were sent to such as were absent, & being read in the Churches was heartily embraced & sworne, & subscribed with tears, & great joy. Great was this day of the Lords power, for much willingnes & chearfulnes was among the people; so as in a short time few in all the land did refuse, except some Papists, some aspiring Courteours, who had no will to displease the King, some who were addicted unto the English rites & Ceremonies, & some few Ministers who had sworne the oath at their entry which was mentioned *Anno* 1612. Yea such willingnes was among the nobles & others, that they had their own copies of the Covenant, subscribed by others of the Nobles, Barons, & ministry laid up in their Charter chists, where possibly many of them are at this day.

When matters are at this passe, the Prelats do animate his Maj. to a war: and the Covenanters desireing his Maj. might be rightly informed wrote unto the *Duke of Lennox*, *marquis of Hamilton*, & the *Earle of Morton* to know if his Maj. would accept of a supplication, & sent one unto them to be presented by them, but the king would not look upon it, at length he is moved to send the marquis of *Hamilton* down toward Scotland, to labour by all means to setle peace; But in the mean time, there is a ship sent from *London* with Amunition, unto the Castle of *Edenburgh* which because not usuall,

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was taken notic of; & the Covenanters, fearing the worst resolved to watch the Castle, that none of it should be taken in. When *Hamilton* cometh down, the Covenanters petition for a free Generall Assembly, & a lawfull Parliament. He replyeth, that he was not able to grant either, unlesse they would render back their subscribed Covenant, but this they could not do, without open perjury: So that he resolveth to returne, but first July 4 he published a Declaration, against which, contrary to their resolution (for they were made to beleeve it was some other thing then indeed it was) they drew up a Protestation, & hearing that the Councell had approved of the said proclamation, they prepare a supplication, but the Councell did not suffer the Act to be recorded, but did tear it in Pieces, & thereafter *Hamilton*, & the most part of the Councell declared solemnely that the act of the Councell was no approbation of the same, but a warrant to the Clerk to cause publish it.

When the Marquis of *Hamilton* was going back to *London* againe, he promiseth to procure a warrant from his Maj. for a Generall assembly before the 22 of *Septr*, other ways they should have free liberty to appoint one themselves: And when, according to his promise, he returneth againe, he bringeth a proclamation with him, tacitely condemning all the proceedings of the Covenanters, & marring the freedome of an Assembly; and therefore the Covenanters were constrained to make use of a Protestation against it, *Sept* 22. On the same day also did the Councell publish his Maj. Indictment of an Assembly to be holden at *Glasgow Nov.* 21. & of a Parliament to be holden at *Edenburgh* the 15 of *May* thereafter *Anno* 1639. As also a new engine is used for disappointing the Covenanters in their explicatory addition viz. The Councell at the Kings command subscribe the Nationall Covenant, & the bond for his Maj. preservation, & appoint Commissioners to see it done through the Kingdome, but withall there is a clause added viz. [*We subscribe the Confession of faith, of, & according to the date & tenour, Anno* 1580. & 1590. & *as it was then professed within, this Kingdome*] supposing (but by a grosse mistake) that at that

time Prelacy, & Ceremonies were then professed: But the Prelats, fearing this would not abide the triall desired the Councell to signe a writing, obligeing themselves to defend Episcopacy, & to shew that Episcopacy is not abjured by the Covenant, but their desire was not granted.

At the day appointed the Assembly at *Glasgow* is opened up, notwithstanding of some indirect meanes used by the Prelats to hinder it. The Prelats being summoned, compeer not, but decline the Judicatory. Within some dayes the Marquis of *Hamilton* being the Kings Commissioner offers to dissolve the Assembly, & chargeth them to depart, & so removeth himself: but though this was very astonishing, yet they did resolve to hold the Court of Christ, & in so doing to obey God rather then man: & then did take into consideration the grounds of the Declinature, which may be seen at length in printed papers, & in Mr *Spangs Historia Motuum*, *&c.* Upon the 29 of *Nov.* his Maj. Commissioner published a Proclamation commanding their dissolution, against which there is a Protestation drawn up, answering what was allaidged in the Proclamation.

The assembly do proceed,&, after some search, finde that all these Meetings of ministers which had brought in these Innovations that had troubled the Church so much, were no lawfull Generall Assemblies, by sundry reasons confirmed by the Registers of the Assembly, by the books of presbiteries, by the Kings Maj. own letters, & by the testimony of diverse old Reverend ministers verifying the same in the face of the Assembly; and so declared that these meetings at *Lithgow* 1606 & 1608, at *Glasgow* 1610, at *Aberdeen* 1616, at *St Andrews* 1617, & at *Perth* 1618. were from the beginning unfree, unlawfull, & null Assemblies. The reasons are more fully to be seen in the printed Records of the Assembly. Likewise they condemne the *book of Common prayer*, because devysed & brought in by the pretended Prelats, without direction from the Church; and pressed on Ministers without warrant from the Church; because it contained a Popish frame, & forme of divine service, many Popish errours, & ceremonies, the seeds of manifold

fold & groſſe Superſtition & Idolatry, & ſo repugnant to the Doctrine, Diſcipline, & order of the Church, to the Confeſſion of faith, conſtitutions of Generall Aſſemblies, & acts of Parliament eſtabliſhing the true Religion. So do they condemne the *book of Canons*, as deviſed by prelats (without warrant & direction from the Generall Aſſembly) to eſtabliſh a tyrannicall power in their own perſons over the worſhipe of God, mens conſciences, liberties, & goods, & to overthrow the whole Diſcipline & governement of the Church by Generall & provinciall Aſſemblies, by presbiteries, & Seſſions, & ſo as contrary to the Confeſſion of faith, the eſtabliſhed governement, the Book of Diſcipline, & the acts & Conſtitutions of the Church. So they condemne the *Book of Conſecration & Ordination*, as being introduced without warrant civill or Eccleſiaſtick, eſtabliſhing offices in Gods houſe without warrant of his word, as repugnant to the Diſcipline, & Conſtitutions, of the Church, & as impeding the entry of fit & worthy men to the miniſtry, & the diſcharge of their duety after their entry. They condemne the *High Commiſſion* as erected without the conſent of Church or State, as ſubverting the ordinary Church Iudicatories, as arbitrary & not regulated by lawes civil or Eccleſiaſtick, as giving to Church men the power of both ſwords, & to perſons meerly civill the power of the Keyes, & ſo as unlawfull in it ſelf, & preiudiciall to the liberties of Chriſts Church & Kingdome, & the Kings honour in mantaining the eſtabliſhed lawes & Iudicatories of the Church. So do they ſhew & declare that the *five Articles* or *ceremonies* concluded at *Perth* (of which mention was made before) were abjured by the Nat. Covenant, as may be ſeen at length in their 17. Act. As alſo they declare (act 16.) That Epiſcopacy was abjured by the Confeſſion of faith or Nationall Covenant *Anno* 1580. which ſhall be more fully cleared afterward. So having examined & diſcuſſed the ſeverall proceſſes given in againſt the pretended prelats, They depoſe & Excommunicat Mr *Spotiſwood* of *St Andrews*, *Lindſay* of *Glaſgow*, *Lindſay* of *Edenburgh*, *Sidſerfe*, of *Galloway*, *Maxwell* of *Roſſe*, & *Whitfoord* of *Bricken*, for breach of the Cautions aggreed on in the

Assembly 1600. for receiving Consecration to the office of Episcopacy, pressing the Church with Innovations. Particularly *Mr Spotiswood* for open & ordinary prophanation of the sabbath, drinking over late in taverns, venting atrocious slanders, interlining & changeing the Acts of the Assembly at *Aberdeen*, sacrilege, Simonie, & conniving at Heterodoxies. Mr *Linsday* of *Glasgow* for oppressing of the Consciences of the Ministers in his Dioecy, extorting money from some ministers, withholding stipends from others, oppressing his Vassals, and forceing Probationers to swear some idle & vaine oaths, which he had invented. Mr *Lindsay* of *Edenburgh* for admitting none to the ministry but such as would first take upon them the order of Deacons, for bowing at the Altar, useing the Rotchet & other Masse-cloths in time of divine service, consecrating Temples, useing the Rite of Elevation at the Celebration of the Lords Supper, conniving at Heterodoxies, & maintaining the Ubiquity of Christs body. Mr *Sideserf* of *Galloway* for open & ordinary prophaneing of the Lords day, exercing tyranny in his Dioecy, conversing with Excommunicated papists, & defending all the Arminian & many popish opinions. Mr *Maxwell* for kneeling before the Altar, wearing popish garments, playing at Cards & Dice on the Lords day even when the Sacrament had been given, oppressing his vassalls, keeping friday fasts, & defending all Arminian, & many of the most grosse Popish opinions. Mr *Whitefoord* for such flagitious crimes, as were notour to all. So do they depose & Excommunicate. Mr *Ballantine* of *Aberdeen*, & *VVedderburne* of *Dumblane* for the generall crimes, & particularly Mr *Ballantine* for Simony, for suspending Ministers, becaus they keeped a fast on the Lords day dedicating a Chappell, freeing Papists suspected of Incest from Church censures, & turning such an Apostate after he had appeared once so zealous for the truth. Mr *VVedderburne* for concurring with Mr *Maxwell* in drawing up the *book of Canons*, swearing, profaneing the Lords day, & commending Arminianisme, & many points of Popery. So do they depose Mr *Lindsay* of *Dunkell* & Mr *Abernethy* of *Cathnes*, Mr *Guthry* of *Murray*, Mr *Grahame* of *Orkney*,

Orknay, Mr *Fairly of Argile*, & Mr *Campbell* of the *Isles*, as for the generall crimes common to all, so in particular Mr *Landsay* for Simony, Mr *Abernethy* for Simonie, Mr *Guthry* for being the first who did put on the Surplice in *Edenburgh Anno* 1633. & professing he would be yet more vile to please the King. Mr *Grahame* for profaneing the Lords day, sacrilege, conniving at adultery. Mr *Fairly* for oppressing Intrants with new oaths, profaneing the Lords day, & defending the Arminian opinions.

Thus are those enemies to Church & State, after they had oppressed, & tyrannized over that poor Church for a long time, wonderfully brought under her feet. *So let all thine Enemies perish o Lord.*

And now being filled with rage they all (except some few who had acknowledged their wronge) run to Court, & stir up his Maj. to make warr against Scotland, & accordingly warr is concluded both by Sea & Land, free tradeing is taken away, the Scottish nobility at court are made to abjure the Nationall Covenant, & the Assembly at *Glasgow*. The English Nobility with all their forces are commanded to meet the king at *Yorke April* 10. 1639.

When the Covenanters see this preparation, they emit a Declaration shewing [*that Religion was their onely worke, Conscience their onely Motive, & Reformation their Scope, that they intended no harme to his* Maj. *nor did they intend to invade England (whatever their malicious enemies did say to the contrary) & that all this was brought about by the means of some proud, perverse, & Popishly affected Prelats.*] But this Declaration was suppressed in *England*, so that they might not know the true State of affairs; and there is a contrary Declaration emitted, stileing the Covenanters seditious rebells, & the like, which was read in all the Churches of *England*. Withall, the Covenanters learne that the Earle of *Huntly* is made governour of the north, that they are all declared Rebells in *England*; that *Berwick* & *Carlile* frontier cities were strongly garrisoned, that the Earle of *Arundale* is made Generall, that the King was to Rendevouz, at *York*, That *Huntly* had already four or five thousand in armes, That *Aberdeen* was fortifying it self to take

in the Kings navy, That the Papists in the South were ready to rise with the Marquis of *Douglas*, & Lord *Harris*, & that the Deputy of *Irland* intended to Land some men in the west: And therefore after fasting & prayer, they resolved (being in a sort the whole body of the Land, the Nobility, Gentry, Burgesses, Commons, & Magistrats of all sorts in City & country) to put themselves in a posture of defence, & to strengthen themselves against Invasion, the best way they could, & to suppresse the enemies within their own bosome: Wherin the Lord blessed them so as their enemies both in the North & South were compesced, & withall they did emit a Declaration vindicating themselves & their actions from all the aspersions of their enemies, & answering his Maj. Declaration read in the Churches of *England*, that they might undeceive those of *England*.

May 1639. The Kings Navy cometh to *Scotland* with some thousands of men & much provision. The Covenanters send a supplication to his Maj. but in vaine, for nothing is intended but fire & sword. The King approacheth their borders with an army, & the two armies are near to joyne in battell. But God was pleased to prevent the shedding of bloud, by moving the King to a Pacification, wherein the King promiseth & declareth that *all causes Ecclesiasticall should be determined by Church Assemblies, and that there should be a Generall Assembly every year once, and that civill matters should be determined by Parliaments, That there should be an Assembly held at Edenburgh the* 12. *of August next, and a Parliament thereafter to ratify the Acts of the Assembly* Whereupon the Scotish forces are disbanded, the Castles are surrendred, & now the whole land looketh for nothing but peace.

The Assembly is opened up *August*, 1639. & the Earle of *Traquair* is present as his Maj. Commissioner, all these things which were before concluded in the assembly of *Glasgow*, are established, his Maj. Commissioner assenting. The Covenant was approved in all its heads & clauses, & was subscribed both by *Traquair* his Maj. Commissioner, & by the Privy Councell, & according to a petition of the assembly unto the Secret Councell, there is an act of Councell ordaining all in all time comeing

comeing to subscribe the Covenant, according to the Generall assemblies declaration, dated August. 30 1639.

Now, according to the Pacification, it was expected that these acts should have had the civill Sanction of the parliament which was to sit down the next day after the assembly was dissolved viz: August: 31. But before any thing was done by the Parliament to this effect, it is commanded to dissolve Decemb. 18. under the paine of treason, & so the Parliament is prorogued unto the 2 of Jun. 1640. The Parliament, for peace, resolve to obey, but becaus they had never been adjourned nor dissolved formerly without their own consent, & lest this might be a preparative for times to come, they resolved to emitt a Declaration for their exoneration, & caused insert it in the Registers *ad futuram rei memoriam.* And withall they send some of their number unto his Maj. with grievances, & appoint others to attend his Maj. answer at *Edenburgh*, & then they dissolve having first published an Infirmation to the Estates of *England*, concerning the present state of affairs. But these Commissioners, after they had endevoured to give his Maj. satisfaction in all points, according to their Instructions at severall times, from the 20 of *Febr.* unto the 23 of *March.* 1640. were detained, & afterward the Lord *Loudoun* is put into the *Toure of London*, & other three are put under a restrant, contrary to the Law of Nations. A new warr is intended, The Castle of *Edenburgh* is fortified with a hundreth strangers moe & much Ammunition. The Commissioners of the Parliament seeing this, & hearing of an army leavyed in *England* under the conduct of the Earle of *Northumberland*, & how the Deputy of *Irland* with the Nobles there in Parliament had offered a great summe of money, & what stir the prelats of *England* were making at Court, & what offers they were making to carry on this new warr, which they so far owned as to call it *Bellum Episcopale*; they resolve to put the land into a new posture of defence, and emit a Declaration for satisfaction of their friends in *England*, which was so satisfactory, as that many of the lower House of Parliament then sitting, declared that they saw no cause of a warr against Scotland, & therefore would grant no subsidy. But

this parliament is dissolved, Scottish ships are intercepted, their goods taken away, & the Seamen imprisoned, & miserably handled, all Sea-ports closed up with Frigots, the Kings army advanceth both by sea & land, the Castle of *Edenburgh* oppresseth the town, & killeth many with shote. Now at the time appointed, Jun. 11. the parliament conveeneth, & leavieth an army for a new Expedition in defence of the land, & cleareth the equity of the same in a Declaration shewing. 1. how they were necessitated thereunto, being not able to live without traffique, & justice, & to maintaine an army on the borders. 2. That the warr was onely Defensive, the King being stirred up by their adversaries to breake the Articles of Pacification, to imprison their Commissioners, to call Parliaments in *England* & *Irland* for subsidies for the warr, to take their ships, & imprison their sea-men, & to give Commission to the Governour of the Castle of *Edenburgh* to kill all he could: when they resolved onely to defend themselves, to seek a firme & sure peace, & then to lay down armes after security had for their Religion & liberties. 3. That they were called by the same divine Providence, by which they had been derected hitherto. 4. That they looked upon none as their enemies but a Canterburian Faction made up of Atheists, Papists, Arminians, & Prelats, the seducers of the King. 5. That their end was not to wrong his Maj. nor to enrich themselves; but Gods glory, the firm peace of both nations, the true honour of the King, & that the enemies of both Kingdomes might be punished. So do they emit another paper for the satisfaction of the good people of *England* clearing their true Intentions: And so do advance with their Army in to England, & take *New Castle*, & before they would advance toward *York*, where the maine body of the Kings Army did lye, they supplicat his maj. at length to consider their greevances; & particularly *to ratifie the last Parliament, that the Scots in England and Irland might be set at liberty, and not forced to take unlawfull oaths that the Incendiaries might be punished according to justice, the Scottish ships restored, and every thing removed which hindereth free commerce, and tradeing between the two Nations.* Many of the English

English Nobility & the City of *London* petition for a Parliament,& they and others advise his Maj. to desist from the warr. At length the King is moved to thoughts of peace ,& chooseth eight English Earles & eight Lords to meet with such as Scotland should make choise of, to conclude all matters of difference. This Conference did begin at *Rippon*, & was concluded at *Westminster*, the substance of which shall be mentioned presently, when it shall be shown how these Acts were all ratified & approved by the King himself, & his Parliament of Scotland *Anno* 1641.

When the Parliament in Jun. *Anno* 1640, had conveened at the time appointed at the last Session, all the Acts of the former Assembly 1639. are ratifyed by their 4. Act. They also ratify the Covenant, & the Act of Councell beformentioned thereanent, & do insert the said Covenant with the assemblies explication in their Registers. And rescinde all Acts & Statutes made in favours of the prelats, as Act. 23. *Anno* 1597. anent their voice in Parliament, Act 2. *Anno* 1606. anent their restitution, the act 8. *Anno* 1607. anent the Chapter of *St Andrews*,act 6. 1609. anent their Commissariates, the 1 Act 1612. ratifying the acts of the pretended assembly at Glasgow 1610. the 1. & 2. Acts *Anno* 1617. anent the Election of Bishops, & restitution of Chapters, the 1. act 1621. ratifying the Articles of the pretended assembly at *Perth* 1618. & all others whatsoever made in their favours, & prejudiciall to the spirituall nature, jurisdiction, & Discipline & privileges of the Kirk, or of the Generall, provinciall, presbyteriall assemblies, or kirk Sessions, & after the enacting of many other profitable lawes, they adjourne the Parliament unto the 19. of Novemb. next, & then unto the 14. of January 1641. & then unto the 13. of April following, & then unto the 25. of May, & then unto the 15. of July, at which time the King himself was present: And in this Session of Parliament the Articles of the Treaty are *ratifyed*, *enacted*, *& ordained to have in all time comeing the full force & strength of a true & perfect security*, *& Act of Parliament*, & the *King* for himself & his successours promised *in verbo principis* never to come in the contrary

trary of that Statute & Sanction, or any thing there in contained. By this Treaty these Articles were concluded. 1. That for as much as the Kings Maj. did call & convean a Parliament to be holden at *Edenburgh* the 2. of *Jun.* 1640. wherin certaine acts were made & aggreed upon, which acts his Maj. (for the peace & good of his kingdome) is pleased to publish in his own name, with consent of the Estates, & therefore commands that the said acts bearing date the 11. of *Juny* 1640. be published with the acts to be made in the next Session of the same Parliament, & that all the said acts have in all time coming the strength of lawes. 2. That the Castle of *Edenburgh* & other strengths of the kingdome should according to their first foundation, with the advice of the Estates of parliament, be furnished & used for the kingdome. 3. That all Scottish men within *England* & *Irland* shall be free from censure for subscribing the Covenant, & shall be no more pressed with oaths & subscriptions unwarranted by their lawes, & contrary to their Nationall oath & Covenant approved by his Maj. 4. That all his Maj. Courts of Justice shall be free & open to all men, & parliaments of the respective kingdoms may try and judge Incendiaries, and that he will employ none in his service without consent of parliament. 5. That their ships and goods and all dammage shall be restored. 6. That the summe of three hundreth thousand pound sterline should be given to them for their losses. 7. That all Declarations, proclamations, acts, books, libells, and pamphlets that have been made & published against the loyalty & dutifulness of his Maj. subjects of *Scotland* should be recalled, suppressed, and forbidden in *England* and *Irland*, & that their loyalty shall be made known in all the parish Churches of his Maj. Dominions. 8. That the garrisons of *Berwick* & *Carlile* be removed. As also there is an act of pacification & oblivion aggreed upon out of which the Scottish prelats are excepted, as also *Traquair*, *Sr Robert Spotiswood*, *Sr John Hay*, & *Mr Walter Balcanquell* who were cited & pursued as Incendiaries. In which act his Majesty declareth that the ensueing Parliament of Scotland shall have full & free power, as the nature of a free parliament

ment of that kingdom doth import, to ratify & confirme the Treaty.

Thus at length were these officers which Christ had never appointed, cast out of Gods house, (where they had formerly caused so much desolation, & layd the vineyaird of the Lord waste as a wilderness) both by Church & State; The King & all ranks of People consenting thereunto; For which God, who is wonderfull in Counsell & excellent in working ought to be acknowledged, & for ever exalted: Seing he raised up such as were brought low, & brought down these who had set their nests on high, whose wayes had been alwayes grievous, & who said in their hearts, they should never be moved, God hath forgotten, he hideth his face, he will never see it. Now God arose, & lifted up his hand, & did not forget be humble, he did behold mischief & spite to requite it, & did breake the arme of the wicked: The memory of which should be still fresh with, & refreshing unto all the people of God, & ground of hope, that he who did then make the names of these Prelats to rot, & to stinke in the nostrils both of Church & State, can & will againe pursue his controversy against these who now dare be so bold, as to attempt what they have attempted, after that the Lord hath put such notes of disgrace & infamy upon their predecessours.

While the Parliament of *England* is sitting there are severall complaints given in against the Earle of *Strafford* Deputy of *Irland*, & the Archbishop of *Canterbury*, & both being found guilty of points of High Treason are condemned to die. Severall Courts of Judicatory are abridged in their power, the *High Commission* Court is taken away, and the *Starchamber* Court, & the coercive power of Prelats, & their Courts. The Prelats are ejected from the House of Peers, Bils are presented to his Maj. for the punishment of the scandalous Clergy, for the abolition of Episcopacy, & the calling of an Assembly. At length there is a civill war begun between the King & the Parliament, occasioned through his Maj. withdrawing from his Houses of Parliament North towards *Hull*. The warr is continued. In the mean time the Parliament calleth together

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an Assembly of Divines to consult about matters of Religion, & Church-governement, & so carry on the begun work of Reformation. And *Anno* 1643. They appoint *John Earle of Rutland*, *Sir William Armin* Baronet, & *Sir Henry Vane Iunior Knights*, *Thomas Hatcher*, & *Henry Darley* Esquires, with *Mr Stephen Marshall* & *Mr Philip Nye* members of the Assembly of Divines their Commissioners, to repear unto the kingdom & States of *Scotland*, & to the Generall assembly there, & their Commissioners, *to propone & consult with them in all occasions which may furder the so much desired work of Reformation in ecclesiastical matters, & a nearer conjunction betwixt both Churches.* Accordingly, these Commissioners came, & presented their propositions, & a Declaration of the Lords and Commons in Parliament unto the Generall assembly Aug. 10. 1643. So is there a letter sent from some brethren of the ministry in the Church of England subscribed by very many hands, showing how low that poor Church was now brought, being ready to be swallowed up by Satan & his Instruments, that the Protestant Religion was in great hazard, & desiring very affectionately their aide & help. *August.* 15. those Commissioners presente some propositions to the Assembly, which they had a little before, *August.* 12. presented unto the honorable Convention of Estates, desiring that, *because the Popish Prelaticall faction is still pursueing their designe of corrupting & altering the Religion, through the whole Iland, the two Nations might be strictly united for their mutuall defence against the Papists, & Prelaticall Faction, & their adherents in both Kingdoms, & not to lay down armes till those their implacable enemies be disarmed, & subjected to the authority & justice of Parliament in both Kingdoms respectively.* And *that the two Kingdoms might be brought into a near conjunction into one forme of Church governement, one Directory for worship, one Catechisme, &c. & the foundation laid of the utter extirpation of Popery & Prelacy out of both Kingdoms. The most effectuall & ready meaus whereunto*, is now conceived to be. That both Nations enter into a strict Union & League according to the desire of both Houses of Parliament, & that for prosecuting the Ends of that Union against the

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Papists, Prelaticall faction, & Malignants now in armes in the kingdom of England, their brethren of Scotland would raise a considerable force of horse & foot for their aide & assistance.

For which Ends there are Committees appointed by the convention of Estates, & the Gen. assembly, to meet with the commissioners of the parliament of *England* by whom the forme of the League & Covenant is aggreed unto & resolved upon. Which draught Aug. 17. 1643. was approven by the Gen. assembly. [„ With all their hearts & with the beginnings of the feelings of „ that joy, which they did finde in so great measure, upon the re- „ novation of the Nationall Covenant of the Kirk & kingdom, „ as the most powerfull mean, by the blessing of God, for „ setling & preserving the true Protestant Religion with per- „ fect peace in his Maj. Dominions, and propagating the „ same to other nations, and for establishing his Maj. „ throne to all ages & generations, & recommended unto the „ Right Honorable convention of Estates, that being examined „ & approved by them, it may be sent with all diligence to the „ Kingdome of *England*, that being received & approved there, „ the same may be with publick humiliation & all Religious & „ answerable solemnity sworne & subscribed by all true profes- „ sors of the Reformed Religion, & all his Maj. good subjects in „ both Kingdoms. Thereafter on the same day it was approved by the Convention of estates, & then sent unto the kingdome of *England* where after mature deliberation it was approved by the learned *assembly of Divines* & by Both Howses of *Parliament*, & by them in their solemne assemblies after sermon, solemnely sworne & subscribed, & by Ordinance of Parliament sworne & subscribed in all the parishes of the Kingdome, & a copy thereof appointed to be affixed in every parish Church, & also a faire Copy thereof with all the names of the members of Parliament, who subscribed the same, is ordained to be affixed at the end of the great Hall of *Westminster*. When thus it was sworne & subscribed in *England* The Commissioners of the Gen. Assembly, *Octob.* 11. 1643. ordained the same to be, with publick Humiliation, & all Religious solemnities received, sworne & subscribed by all ministers & professours within the Kirk, &

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for this effect it is ordained [„ That the League & Covenant „ be forthwith printed, & that the printed copies bound with „ some clean sheets of paper be sent unto the ministry, & that „ every minister upon the first Lords day after the same „ shall come to his hands, read & explaine it, & by Exhorta- „ tion prepare the people to the swearing & subscribing thereof „ solemnely the Lords day next immediately following] & or- „ daine [that presbiteries proceed with the censures of the church „ against all such as shall refuse or shift to swear & subscribe the „ same; And the Commissioners thinke it very convenient „ for good example, & the better encouragement of others „ that it be solemnely sworne & subscribed by themselves now „ present before the Congregation in the East kirk upon friday „ next the 13 of this instant, after sermon & exhortation to be „ made by Mr *Robert Douglas* Moderator, & that the Com- „ missioners of the Convention of estates now in towne, & „ the Commissioners from the Parliament of *England*, & Di- „ vines of that kingdome here present, be earnestly desired to „ joyne with them in this solemne & Religious action.] Upon the 12 of Octob. the Commissioners of the convention of Estates did also ordaine the same to be swotne & subscribed, under the paine of being punished as enemies to Religion, his Maj. honour, & peace of the kingdoms, & to have their goods & rents confiscate, &c. & also ordaine *all Sheriffs, Stuarts & others his Maj. magistrates in Brugh & land, & Committies in the severall shires to be assisting to ministers and presbiteries in procureing reall obedience hereunto.* Which deed of the Commission of the Church was ratified, & approved by the Gen. assembly, Jun. 28. 1645. So is the deed of the convention of estates, & their commissioners approved & ratified by act of Parl. July 15. 1644. where the League & Covenant is insert in the Registers.

Thus the kingdoms, of [*Scotland* & *England after other meanes, of Supplication, remonstrance, Protestation, and sufferings, to the end they might preserve themselves and their Religion from utter ruine and destruction, according to the commendable practises of these Kingdomes in former times, and the example of Gods people in other Nations, after mature deliberation* resolved

resolved and determined to enter into a mutuall and solemne Leagne and Covenant, wherein all did subscribe, and with hands listed up to the most High God did swear, as they should answer at that great day to God the searcher of all hearts. That sincerly, really, and constantly they should endevour in their severall places and callings. 1. *To preserve the Reformed Religion in the Church of Scotland, in Doctrine, worship, Discipline, and Governement, and to Reforme England and Ireland, according to the word of God, and the example of the best Reformed Churches, and to bring the three kingdoms to the neareſt conjunction and uniformity in Religion, Confession of Faith, forme of Church governement, Directory for worship, and Catechising.* 2. *To endevour the extirpation of popery, Prelacy, Superstition, Heresy, Schisme, Prophanes, and what soever shall be found contrary to sound doctrine and the power of godlines.* 3. *To preserve the Rights and privileges of the Parliaments, liberties of the Kingdomes and the Kings Maj person and authority, in the preservation and defence of the true Religion, and liberties of the Kingdomes,* 4. *To discover all such as have been or shall be incendiaries, Malignants, or evill Instruments, hindering the Reformation of Religion, dividing the king from his people, and the kingdomes one from another, or making any faction or parties among the people, contrary to this League and Covenant, that they may be brought to triall and condigne punishment.* 5. *To endevour that these kingdomes may remaine conjoyned in a firme peace & union to all posterity.* 6. *To assist such as enter into this Covenant, and not to suffer themselves any maner of way to be divided, or to make defection, or to give themselves to a detestable indifferency, and neutrality in this cause, but shall continue therein, against all opposition, and promote the same according to their power against all lets and impedimentes what soever.*

When these lands did thus enter in Covenant with the great God of heaven & earth, many a soul was converted (which was as the fruite of this noble Marriage) when they saw the wonderfull works of the Lords right hand, whereby he openly & undenyably owned that Covenant, & such as entred into it. Then did these Churches flourish, & begin to have a beautifull

autifull countenance, & to be admired abroad by strangers; who stood astonished at the report of what they did hear dayly of the Lords owneing & fighting for that Covenant, & seconding the Covenanters in carrying on the Ends of the same. But at length, after the Lord had by many signes & wonders testified his displeasure against, & broken the whole strength & force of the Popish, Prelaticall & Malignant faction, & wrought deliverances in all the three kingdoms, for the people that engadged in Covenant with him; It seemed good in his eyes, who doth all things according to the counsell of his own will, to suffer another enemy to arise, to trouble his Church, & to try his people, viz. the Sectarian party, who grew to such an hieght in the English Army, that they over-ruled the Parliament of *England*, putting away the House of Peers, they modelled the House of Commons as they thought good, & erected a New Court, which they called an *High Court of Iustice*, before which they did Impannel the King, & at length did violently take away his life Januar. 30. 1649. against which deed the Commissioners both from the Church & State of *Scotland* did protest, & were therefore hardly used at *London*.

When the report of this cometh to the eares of the Parliament of Scotland which was then sitting. They upon the 5. of Febr. 1649. *considering that for as much as the kings Maj. who lately reigned was contrary to the dissent & protestation of this kingdome, now removed by a violent death; and that by the Lords blessing there was left a righteous heire & lawfull successour, Charles Prince of Scotland & VVales & now king of Great britane, france and Irland, did unanimously and clearfully in recognisance, and acknowledgement of his just right, title, and succession to the Crown, proclaime and declare to all the world that he was king of great britan*, &c. *their Soveraigne* Lord *and king at the mercat Crosse of* Edenburgh *with all usuall Solemnities in like cases ordaining the same to be done in like manner in all the brughs Royall.* Immediatly there are Commissioners sent over to his Maj. while at the *Hague* in *Holland*, & when these returned without satisfaction, there are againe the next year 1650,

Com-

Commissioners sent to him; while at *Breda*. At length he promised to publish & testify by solemne oath his approbation of the *Nationall Covenant of Scotland*, & of *the solemne league & Covenant*. And accordingly before he came a shoar in *Scotland*, being in Shipboard at the mouth of *Spey*, on the Lords day the 23. of Jun, 1650, in presence of the Commissioners of the kingdome & Church of *Scotland*, & severall others both Scots & English, after Sermon, the Nationall Covenant, & the solemne league & Covenant being read by the minister that preached, He standing & lifting up his right hand swore the same, in the words following, which had been determined by the Parliament, & by the Commissioners of the Generall assembly of the Church of *Scotland*, in their Instructions to their Commissioners, & subjoyned to Both the Covenants.

„ I *Charles* king of Great *Britaine*, *France* & *Irland* do „ assure & declare by my solemne oath in the presence of the „ Almighty God, the searcher of hearts, my allowance & appro- „ bation of the Nationall Covenant, & of the solemne league „ & Covenant above writen, & faithfully oblidge my self to „ prosecute the Ends thereof in my station & calling, & that I „ for my self & successours shall consent & aggree to all acts of „ Parliament enjoyning the Nationall Covenant & solemne le- „ ague & Covenant, & fully establishing presbiteriall governe- „ ment, the Directory of Worship, confession of faith, & „ Catechismes in the kingdome of Scotland, as they are ap- „ proven by the Generall assembly of this kirke, & Parliament „ of this Kingdome. And that I shall give my royall assent to „ the acts of Parliament enjoyning the same in the rest of my „ Dominons, And that I shall observe these in my own practise „ & family, & shall never make opposition to any of these, or „ endevour any change thereof.

And immediatly subscribed the same. And thereafter August 16. 1650. he emitteth a Declaration from *Dumfermeling* wherein he expresseth much of his affection to the Covenant & Covenanters, „ & declareth that he hath not sworne & „ subscribed these Covenants & entred into the oath of God „ with his people, upon any sinister intention, & crooked de-

„ signe for attaining his own ends, but so far as humane weak-
„ ness will permit, in the truth & sincerity of his heart, & that
„ he is firmely resolved in the Lords strength to adhere there
„ to, & to prosecute the ends thereof, &c. In order to which
„ he doth in the first place professe & declare that he will have
„ no friends, but the friends of the Covenant: And therefore
„ as he doeth now detest & abhorre all popery, Superstition &
„ Idolatry, together with prelacy, & all errours, heresy &
„ schisme, & profaneness, & resolveth not to tolerate, much
„ lesse allow any of these in any part of his Maj. Domi-
„ nions, but to oppose himself thereto, & to endeavour the
„ extirpation thereof to the outmost of his power: So doth
„ he as a Christian exhort, & as a King require, all such of
„ his subjects who have stood in opposition to the Solemne
„ League & Covenant, & worke of Reformation, upon a
„ pretence of kingly Interest, or any other pretext whatsoe-
„ ver, to lay down their enmity against the cause & people of
„ God, & to cease to prefer the Interest of man to the Interest
„ of God, which hath been one of these things which hath oc-
„ casioned many troubles, & calamities in these kingdoms, &
„ being insisted in, will be so far from establishing of the Kings
„ Throne, that it will prove an Idole of jealousy, to provoke
„ unto wrath him who is King of Kings, & Lord of Lords----
„ The king shall alwayes esteem them best servants, & most
„ loyall subjects who serve him & seek his greatness in a right
„ line of subordination unto God, giving unto God the things
„ that are Gods, & unto Cæsar the things that are Cæsars: &
„ resolveth not to love or countenance any, who have so litle
„ conscience & piety, as to follow his Interests with a prejudice
„ to the Gospell, & kingdom of Jesus Christ; which he looks
„ not upon as a duety, but as flattery, & as driving self-de-
„ signes under a pretence of mantaining royall authority &
„ greatness ——— he resolveth to live & die with his loyall
„ subjects in prosecution of the ends of the Covenant ———
„ He doth esteeme the service of those who first engadged in
„ the Covenant, & have since that time faithfully followed the
„ ends thereof, to be duety to God, & loyalty to him.

So

So Jan. 1. 1651. on the day of his coronation, the Nationall covenant & the Solemne league & covenant being read unto him he swore them in this following oath, which he took in behalf of himself & his successours, kneeling & holding up his right hand (which oath with both covenants he afterward did subscribe) „ I *Charles*, King of *Great Britane*, *France*, „ & *Irland*, do assure & declare by my solemne oath in the pre-„sence of Almighty God, the searcher of hearts, my allow-„ance & approbation of the Nationall Covenant, & of the So-„lemne League & Covenant above writeen; And faithfully „obleidge my self to prosecute the ends thereof in my station „& calling; And that I for my self & Successours shall con-„sent & aggree to all Acts of Parliament enjoyning the Natio-„nall Covenant, & the Solemne League & Covenant, & „fully establishing Presbyteriall Governement, the Directory „of worship, Confession of Faith, & Catechismes, in the king-„dome of *Scotland*, as they are approven by the Generall As-„semblies of this kirk, & Parliament of this kingdom: And „that I shall give my royall assent to Acts and Ordinances of „Parliament passed or to be passed enjoyning the same in my „other Dominions. And that I shall observe these in mine „own practise and family, and shall never make oppositon to „any of those, or endevour any change thereof.

Thus had the Church of *Scotland* all the security imaginable from a Prince, that Prelats should never have footing againe within that kingdome, & that the begun worke of Reformation should be still carried on through the other Dominions.

But when Scotland out of conscience to their covenant had sent for the king, the Sectarian party in *July* 1650 approach their borders with an Army, thereafter overcome them in battell, shedeth much of their bloud, leadeth many both commanders & souldeours away captives, & keepeth them in bondage full ten years. Under which oppression they lay groaning, wishing for a day of delivery.

At length after ten years exile the Lord returned their prince without stroake of sword, and setled him upon his throne, which

occasioned great acclamations of joy through the whole land; seing that now the yoke of the oppressour was brocken, and the Lord had restored to them in a wonderfull & unexpected maner their law full judges and governours. Now were people filled with hops of good and desirable dayes both for Church and State. But alace how suddainly are all their hopes turned into fears, and their joy into mourning; how are their faces filled with confusion, becaus of the sad disappointment which now they did meet with? Their yoke beginneth now to be wreathed more straitly about their necks then ever, their bondage and oppression in conscience groweth, they see with their eyes the glorious worke of Reformation which had been wonderfully carried on by the mighty power of the most High, & cemented with the bloud of his Saints (who spared not their lives in the defence & maintenance of that cause both against malignants & Sectaries) razed to the very foundation, & the carved worke thereof brocken down with axes & hammers at once, and all things growing dayly worse & worse. Some particulars where of (though the calling to minde, & making mention of such sad & doolfull things will occasion fresh sorrow & grief to the people of God) as the purpose in hand will suffer, shall be mentioned in the following Sections.

Section III.

The grounds of the sufferings, of such as were incarcerated by the Committy of Estates the 23 Day of Aguſt 1660. *discovered.*

After God had broken the yoke of the oppressours, & had restored their own governous, it might have been expected, that justice should have flowed down as a river; and when the committe of Estates which had been nominated *Anno* 1651. Were commanded by his Maj. to sit & order the affaires of the Kingdome untill the ensueing Parliament should meet, every one might have been in expectation of some good following their governement. But alas their little finger becometh heavier then the loyns of the former oppressours: A litle taste of which there is given on the very first day of their sitting downe; for upon the 23. Day of *Auguſt.* 1660. While there were some faithfull & Zealous servants of Christ, to the number of Ten Ministers, with one Gentleman, met in a private house (where they resolved to meet that they might give the lesse offence) for the drawing up of a supplication unto his Maj. wherein after their congratulating his Maj. returne, they in all humility, presse & exhort him, in the fear of the Lord, to minde his oaths unto, & covenants with God: a very necessary & seasonable work. The *committee of Estates* sent thither some of their number to apprehend those persones, & to take them to the castle of *Edenburgh*, where they abode for the space of some weeks, & were afterward (except *Mr Guthry*) confined to their chambers in the towne, for some considerable time. This was a terrible alarme unto the hearts of the godly, presaging sad & doolfull dayes to follow, when at the very first, there is so much cruelty, exerced against these faithfull & zealous servants of Christ, who were evidenceing their love & respect unto their Prince, in mindeing him of his vowes

which he had made unto the most high, & of his duty which he did owe unto God, who had so wonderfully delivered him: for which no colourable pretence could be allaidged save one of those; Either that their meeting was not warranted by the lawes of the land, or that they were about a sinfull work. The first could not be allaidged with any colour of law, because there was no standing law then in force against such meetings; for whatever law ther was of that nature before, was made null & void by posterior acts of Parliament, which posterior acts were not as yet rescinded: and further what great wrong was it, for so many ministers to meet together, in a privat chamber for such an end, when as many & moe prophane persones, will be suffered to meet dayly, to drink & debauch; and what could these worthies have suspected now, seing the like liberty was enjoyed while the land was under the feet of oppressours? might not they in reason have expected as good quarters, at the hands of their own governours as they gote from stangers & enemies? But it is like the work they were about gave offence, it is true, they were pleased to brande it with the names of *treason* & *sedition*, but whether it was so or not the reader will be better able to judge, when he hath pondered & considered the true copy of their supplication which is here following.

,, Most gratious & dreed soveraigne.

,, We your Maj. most humble subjects, considering the ,, duty which, as Christians, we owe to our *Lord Iesus Christ*, ,, who is king of kings & Lord of Lords, and which as subjects, ,, we owe unto your Maj. as our native & lawfull king under ,, him: We do hold ourselves bound to tender unto your Maj. ,, this most humble addresse & supplication. How hatefull the ,, actings of the late usurped powers, in offering violence to the ,, Parl. of *Engl.* in their unchristian & barbarous murthering of ,, your royall father, in their insolent changeing of the ancient ,, civill goverment of the kingdome of *Engl.* and by armed ,, violence unjustly secluding your Maj. there from, In their ,, most unjust invadeing of the kingdome of *Scotland* & inthral- ,, ling of the same in subjection to themselves: and beyond ,, all, their impious incroaching on the kingdome of (*Iesus* ,, *Christ*)

„*Christ*) & the liberties thereof: and in promoteing & esta-
„blishing a vast tolleration in things reljgious, throughout
„those nations, unto the perverting of the precious truthes of
„the Gospell & defaceing of the ordinances of (*Iesus Christ*)
„& opening a wide door to all sorts of evill, heresy, schisme,
„impiety & prophaneness. How abhominable these things
„were to us the Lord who searcheth the heart, & tryeth the
„reines doth know, against which we gave many publike tes-
„timonies before the world, to witnesse our abhorrence there-
„of. And the same Lord knoweth that as we did earnestly
„pray for, & breath after his appearing, to witnesse against
„those, so (saveing that Christian pity and compassion we
„owe to the persones of men, though our very enemies)
„we rejoyce in his putting down of them, that did set up them-
„selves, & in-staineing the pride of their glory, & in breaking
„the yoke of their power from off the necke of these Kingdom-
„es. We hold our selves also bound thankfully to acknow-
„ledge, the Lord's signall preserving of your Maj. person in
„the middest of many fold dangers & designes threatening the
„same, these years past: And that after long Exile from your
„own house & people, he hath been pleased to bring you back
„to the same: And when the foundations of the ancient civill
„goverment were overthrown, againe to make way for re-
„paireing of the ruines, building up the breaches thereof: &
„for establishing the same on right & sure foundations, in your
„Maj. person & family; and to do those things when they
„were so litle expected, in so quyet & peaceable a way, and
„without the effusion of Christian blood, & imbroyling the
„Kingdomes, in the misery & calamities, of a new war. And
„as we adore the wonderfull & wise hand of God, & blesse
„his name, who hath done these things, so it is not only our
„practice for the present: but our sincere resolution, for the
„time to come, to pour forth the fervent desires & supplications
„of our soull unto the most high by whom kings reigne, for
„the preservation, & saiftie of your Maj. person, & for the
„multiplication of his spirit & increase of it upon you: that you
„may imploy your power to his praise, & the comfort of his

» people; & for the Eſtablishing of your juſt power & great-
» neſſe; & in ſubordination to him to be faithfull & loyall, ren-
» dering all the dutyes of honour & ſubjection & obedience to
» your Maj. that are due from humble & loving ſubjects, unto
» their native & lawfull prince & ſoveraigne. And we deſire
» to be perſwaded, & with confidence to promiſe to ourſelves,
» that your Maj. will accept of thoſe our profeſſions, as pro-
» ceeding from loyall & honeſt hearts, & allow us the protection
» & countenance & incouragement in our ſtation & callings,
» that may be expected from a gracious king: And con-
» ſidering the great happineſſe that ariſeth both to kirk and
» ſtate, & all the members thereof, by the mutuall good
» underſtanding, betuixt the ſupreme Magiſtrat, & the faith-
» full of the land; when it pleaſeth divine providence ſo to
» diſpoſe; & the many calamities & miſeries that in the holy
» juſtice, & juſt indignation of God, do attend the ſeparating
» or violating of theſe only ſure foundations of ſtates and
» & kingdomes. We are bold in the integrity of our hearts,
» & in the zeal of the glory of the Lord, & of the good of his
» church, & of your Maj. honour & happineſſe: & from the
» ſenſe of manifold & great obligations that be upon us, before
» the Lord, ſo to do; & particularly that of the *Covenant.*
» *That what lets, we are not able of our ſelves, to ſuppreſſe and*
» *overcome, we ſhall reveal and make known, that they may be*
» *prevented & remedied.* Humbly to preſente unto your
» Maj. and make known the great danger, that threateneth
» religion, and the work of reformation, in the churches of
» God, in theſe kingdomes, from the deſires and endeavours
» of the remanent of the popish prelaticall and malignant party
» therein, which is begining to lift up the head, & not only to
» render hatefull, but to bear downe many of your Maj. good
» ſubjects, who have been imployed as inſtruments in the
» work, & have keeped within the bounds of their duty, in
» promoveing & preſerving the ſame, ſo far as humane frailty
» would permit; but alſo to overthrow that bleſſed work it
» ſelf and to reintroduce prelacy & the ceremonies, & the ſer-
» vice book, and all theſe corruptions which were formerly caſt
» out

„ out, as inconsistent with that pure and spoteleſſe rule of church
„ governement, discipline and divine worshipe delivered to us
„ in the word of God, as a yoke of bondage that neither we
„ nor our fathers were able to bear: and though we know that
„ that Spirit will not want its specous pretences, & plausible in-
„ sinuations for compassing these ends, yet, as there cannot
„ readily be greater disservice to the church of God, to these
„ Kingdoms, & to your Maj. honour & happinesse, then act-
„ ings of that nature, so we cannot without horrour of Spirit
„ & astonishment of heart, think upon what dreadfull guilti-
„ nesse King, Princes, Ministers & People, shall be involved
„ into, & what fearfull wrath shall attend them from the face
„ of an angry & jealous God, if after all the light that he
„ hath made to shine in these kingdomes from his blessed word,
„ for discovery of the error & Impiety of these things, & after
„ his hand hath been lifted up so high, for casting out of the
„ same; & after solemne vowes & engadgments taken upon
„ themselves before God, angels & men, against them; if they
„ should againe lick up the vomit thereof. God forbid that
„ we should either hear or see such heart astonishing bitter things
„ which would turne the mirth of the Lords people into mourn-
„ ing; & their songs into most sad lamentations: Neither
„ are we lesse apprehensive of the endeavours of the spirit of
„ errour that possesseth *Sectaries* in these Nations. which as it
„ did at first promove a vast tolleration in things religious; and
„ afterwards did proceed to the frameing of mischief into a
„ law, so we doubt not, but it will still be active unto the pro-
„ moving & procuring of the same, under the specious pretext of
„ liberty to tender consciences; the affects whereof have in a few
„ years past been so dreadfull, that we cannot think of the con-
„ tinuing thereof but with much trembling & fear. There-
„ fore knowing that to Kings, Princes, Rulers, & Magi-
„ strats, appertaineth the purgation & preservation of religion,
„ & that nothing can contribute more unto the preserving and
„ premoveing of religion, & the work of reformation, then that
„ all places of power & trust, be filled with men of a blameleſſe
„ & christian conversation, approven integrity, & known af-

„ fection to the cause of God, We, your Maj. most humble
„ supplicants & subjects, with bowed knees. & bended affec-
„ tions, humbly supplicat your Maj. that you would imploy
„ your royall power unto the preservation of the reformed re-
„ ligion, in the church of *Scotland* in doctrine worship, disci-
„ pline & government, & for the reformation of Religion in
„ the Kingdome of *England* & *Irland*, in doctrine worshipe,
„ discipline & goverment; and to the carrying on of the work
„ of uniformity of religion, in the church of God, in the three
„ Kingdomes, in one confession of faith, forme of church go-
„ verment, directory of worshipe & catechiseing: and to the
„ extirpation of popery prelacy, superstition, heresy, schisme,
„ prophanesse; & whatsoever is contrary to sound doctrine,
„ & the power of Godlinesse: And that all places of trust, un-
„ der your Majest. may be filled with such as have taken, the
„ Covenant, & are of approven integrity, & known affection
„ to the cause of God. If in a matter that so much concerneth
„ the honour of God, the good of his Church, & your Maj.
„ honour & happinesse, we be jealous with a godly jealousy,
„ we know your Maj. wisdom & lenity to be such, as will ea-
„ sily pardon: And the sense of our duty to God, & to your
„ Maj. & the fear of those kingdoms transgressions, by build-
„ ing up againe, the things that were destroyed, constraineth us
„ to be petitioners against the same; & earnestly to intreat that
„ any beginnings of stumbling which already have been given
„ in those things, especially in the matter of Prelacy & cere-
„ monies, & the Servicebook, in your Majesty chappell and
„ family, and other places of your Dominions may be remov-
„ ed and taken away; And that there may be no furder pro-
„ ceeding in these things, which grieve the Spirit of God,
„ and give offence to your Maj. good subjects, who are
„ engadged with you in the same Covenant and work of refor-
„ mation. And that your Maj. for establishing the hearts and
„ strengthening the hands of these who are faithfull in the work
„ of the Lord, & for quashing the hopes & endeavours of adver-
„ saries, would be pleased to give publick signification, of
„ your approbation of the Covenant; And of your purpose to
adhere

„ adhere unto the same, & to carry on the work of God in these „ Kingdoms according thereunto; & that your Maj. eyes „ may be upon the faithfull of the land that they may dwell „ with you. We hope your Maj. will not take offence, if we „ be the Lord's remembrancers to you; That you were pleased „ a little before your coming to this kingdom, & afterwards „ at the time of your coronation, to assure & declare, by „ your solemne Oath, under your hand & seal, in the presence „ of *Almighty God* The searcher of hearts, your allowance & „ approbation of the Nationall Covenant, & the Solemne „ League & Covenant, faithfully obligeing your self to prose- „ cute the ends thereof, in your station, & calling; & that your „ Maj. for your self & Successours should consent & agree to all „ acts of Parl. enjoyning the nationall Cov: & Solemne League & „ Cov. fully establishing Presbyteriall Gov: directory for „ Worship, confession of faith & Catheciſmes in the King- „ dom of *Scotland*, as they are approven by the Gen. Assemblies „ of this kirk. And Parliaments of this Kingdom; And that your „ Maj. should give your Royall assent to acts & ordinances of „ Parl. past or to be past enjoyning the same in your Maj. Do- „ minions; & that yow should observe these in your practice & „ family & should never make opposition to any of these; Nor „ endeavour any change thereof. And we desire to be persuaded „ that no length of time hath made yonr Maj. forget. Or wea- „ kened in your Maj. heart the sense of the obligation of the great „ & solemne Oath of God in the Covenants; Yea that the af- „ flictions where with God hath exercised your Maj. these years „ past, the great & wonderfull deliverance, that of late he hath „ granted unto you, hath fixed deeper Impressions upon your „ heart & spirit; & that among all the kings of the earth, Re- „ formation of Religion shall have no greater friend then your „ Maj: Yea that as yee are more excellent then the kings „ of the Earth, in regaird of the purity of profession & solemne „ engadgments unto God, And long exercisednesse with ma- „ nifold afflictions; & in the Lord's setting you over these „ Kingdomes which are not only thorow grace, the first fruites „ of the gentiles, But also are, amongall we know in the World, „ the

„ the most eminent for the power & purity of the Gospel: So
„ shall your Maj. in your Princely Station & dignity, excell
„ them in the zeal of God & for the Kingdom of *Jesus Christ*:
„ And that by how much more your Maj. by the constitution,
„ & good hand of the Almighty, is lifted up above the sphere
„ of your subjects; by so much more shall your motion be more
„ vigorous & active, unto the carrying about by the influence
„ of your royall Head, & by your example, all the Orbs of
„ inferiour powers & persones, in these kingdomes, in subor-
„ dination to God & your Maj. in the practice of godlinesse &
„ vertue. It is the desire of our soul that your Maj. may be
„ like unto *David* a man according to Gods own heart: Like
„ unto *Solomon*, of an understanding heart, to judge the
„ Lord's prople, & to discerne betwixt good & bad: Like
„ unto *Iehoshaphat*, whose heart was lifted up in the wayes of
„ the Lord: Like unto *Hezekiah*, eminent for godlinesse and
„ integrity: Like unto *Iosiah*, who was of a tender heart & did
„ humble himself before God, when he heard his word against
„ *Ieruslem*, & the inhabitants of *Iudah*, and not only made
„ a Covenant before the Lord, to walk after the Lord, and
„ keep his commandements, with all his heart, and with all
„ his soul to performe the Covenant, but also caused all
„ that were in *Ieruslem* & *Benjamin* to stand to it; & took
„ away the abomination out of all the countreyes that pertained
„ to all the children of *Israël*; and made all that were present in
„ *Israël* to serve, even to serve the Lord their God. So shall
„ your Maj. inherite the honour & blessing of these kings upon
„ the earth and their happinesse in heaven; So shall your Maj.
„ person be preserved, & your government established over
„ these kingdomes. Which is the unfeigned desire, and fervent
„ supplication of your Maj. most humble & loyall subjects.

Now the Reader having considered this humble addresse and supplication may judge if there was any thing therin either treasonable or seditious reflecting on his Maj. & on the governmen of the kingdom of *England*, or the constitution of the presen *Committy of Estates*, or any thing tending to the raiseing o new tumults and re-kindleing a civill warre among his Maj

goo

good subjects as their enemies were pleased to give it out, or which did deserve imprisonement; yea whether it was not their duty & the duty of all the Ministers of *Scotland*, to be thus faithfull in giving timeous warning and faithfull exhortation unto their Prince, that they might have prevented, as much as lay in them, the sad defection, which was then feared, & indeed followed thereafter. Nether let any say, that such things might well be gathered from their other letters; for they had nothing beside that letter, save some scrols of a letter and some instructions to one of their number, for no other purpose, then for the communicating of the supplication unto the Ministers of their judgment in severall Presbyteries within the Synod of *Glasgow*, & for desiring their approbation thereof & concurrence therein. This is one sad dispensation. But it is only the beginning of sorrow, & of much woe following.

Section IIII.

The suffering of the Noble Marquise of Argile who was executed the 27 Day of May 1661. examined by law.

While the Parliament is in hand with reverend Mr *Guthrie* who had been a prisoner since the 23 day of *August.* 1660 (of whom mention shall be made in the next section) They have also the worthy & renowned *Marquese* of *Argile* among their hands; who, though he had a maine hand in bringing home the king & closeing the second treaty at *Breda* yet, while he is going up to *London* after the kings late returne from exile, to congratulat his Maj. returne, is made prisoner in the Tour of *London* & thereafter is sent down to *Scotland*, & indited of heigh treason, before the Parl. & at length is beheaded & his head is stuck up upon the tolbooth of *Edenburgh*. Questionlesse strangers will think it behoved to be some great matter, for which the life of such an eminent & famous nobleman, who had been so renowned at home & abroad, for his faithfulnesse and

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conſtancy in carrying on the work & cauſe of God, was taken. But the very truth is, what ever was petended, the true cauſe was, that which made him ſo famous; even his zeal & activity for the work of God in his genetation; for what ever elſe they had to lay to his charge, if he had either oppoſed the work of God, or done as litle for it, as many others of the Nobles, his life would not have been taken now, more then the life of others: it is true other things were ſought to colour this buſſineſſe, and failing one, another, & failing that, a third, but in end ther is a comprehenſive generall ſet downe as the ground of the ſentence, to this purpoſe. That he had been an enemy to the king & his intereſt theſe 23 yeers or more by paſt, which in effect is as much as to ſay; he had been an active friend for the intereſt of Chriſt. But becauſe generalls cannot well be proved they condeſcended on ſeverall particulat actings of his in carrying on, in his place & ſtation; the work of reformation, & when all theſe failed, they fix upon his complyance with the *Engliſhes* (after they had ſubdued the land in battell, and forced the king out of his dominions, had gatriſoned the whole land, & uſed it almoſt as a conqueſt) by ſitting in there parliament when choſen by ſome ſhire, and when the reſt of the ſhires of the land had ſent their commiſſioners thither. This his complyance with them, at that time, by ſitting in their judicatories, and there concurring with his advice & counſel for the good of the land, that was now under their feet, is the only particular ground upon which his ſentence is founded, and the particular ſpeciall cauſe pretended for which he was condemned to loſe his head as a traitout, & to have his head put up on the top of the tolbooth as an eminent traitour. A ſentence which queſtion leſſe, at firſt veiu, may make all men of underſtanding aſtonished, & to wonder, how ever it could have entered into the minde of the parliament of *Scotland*, to ſentence unto death, ſuch a peer of the land, ſnch an uſefull member of the Kingdome, & an ornament; upon ſuch a ground and for ſuch a cauſe. But if theſe foute particulars be conſidered the matter will yet appear more wonderfull.

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1. The matter of complyance with the Englishes at that time, was so farr from being accounted treasonable that severall of the lawyers (among whom was one Sr *Iohn Fletcher* who was now advanced to be his Maj. advocat, & did accuse this worthy Nobleman of treason) did swear & subscribe an oath to be faithfull unto the governement, as it was then established without King & house of Lords. Now if there had been treason really in this deed, either by the civill law, or by the municipall lawes of the land, would not the lawyers have perceived it whose dayly work & study the lawes are?

2. If this had been the deed of this nobleman alone, the mater had been lesse to have been wondered at, but it being such a deed whereof few of the nobles of *Scotland* were altogether free: yea whereof many of the members of Parliament his judges were guilty, the matter is beyond a parallel. It is hard to make *socios criminis* sit as judges & condemne the accused: reason would require that the table should be purged. Is it not strange for a Parliament to condemne one for such a fault for which many of their own members might with as much justice & equity be condemned? and is it not strange how they being by their own confession traitours in the heigheſt degree, could sitt & judge others? It is true it will be replyed. That his Maj. might pardon whom he pleased, But then it will aboundantly appear that not this, But something else was the cause of this worthy nobleman's death. Whatever may be said in poynt of law, yet it will be a disput in poynt of conscience. If kings may pardon such crimes as do deserve death by the law of God, or if such crimes which kings may pardon, of their own accord, & according to their own good pleasure, do before the Lord, deserve death.

3. If the Parliament had thought this particular worthy to bear so much stresse, why would they have spent so much of their time in searching for other grounds to goe upon? & why did they not make use of this at the first? but it is like this had never once been mentioned if they had been able to fasten treason upon any other of his actions; & this makes it so much the more to be wondered at, that they would condemne such a noble

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man for such a particular which they would never once have named, if they could have done their intended work, otherwayes.

4. Is it not strange that of all the complyers of *Scotland* there was not one, except this nobleman, impannelled upon this account, let be, put to death; yea is it not strange that those noble Men were never once questioned who being desired by Generall *Monck* when he was entering *England* with his army to rancounter *Lambert*, did abjure king *Charles* & his intereſt; & this Nobleman must die; Yea is it not yet more strange that one *William Purves*, who by complying had occasioned almost ruine to many noblemen, brughs and gentleman, should have been absolved by act of Parliament (as might be cleared if there were a table of the unprinted acts set down after their acts, as is done alwayes, in other Parliaments) and yet this nobleman must be sentenced to death, for complying for the good of the countrey.

But to speak unto the bussinesse in poynt of law let these foure or five Particular quære's be considered and then any shall be able to peceive the iniquity of this sentence.

1. By what act of Parliament is such a deed as this, condemned as treasonable? By what municipall law, can any member of the Kingdome be challenged, upon the account of treason, for treating with a conquerour for life & liberty, & for sitting in his councells, for the good of the countrey, after that he with the rest of the body of the land, had foughten in the defence of King, & countrey till no more could be done, after the whole land had been overcome at severall battels, and wholly overrun; & had acted nothing, for the advantage of the enemy & disadvantage of the king & conntrey before the victory obtained; but in all poynts had carryed as became a loyall subject contributing all the help by armes & counsell, which was required: what act of parliament declareth such a deed as this treasonable, & such a subject to deserve death as a traitour?

2. Was there ever such a *Practique* in *Scotland* since ever there was a king in it? Severall times was the kingdome of *Scotland* overrun by the kingdome of *England* particularly in the dayes of

of *Baliol*, & at that time King *Edward* caused the Nobles of *Scotland* swear allaidgeance unto him. But when *Bruce* came to be King was there any of the Nobles questioned for treason upon that account? And seing ther can no instance be produced out of the History of *Scotland* since ever it was a Kingdome, that any subject, noble Man, or other, was accused of high treason, for such a cause, surely this noble Mans case was unparalleled.

3. Is not this strange considering what the principle of Royallists is? They say that [*Conquest giveth a just tittle to a crown*] So sayeth *D. Ferne, Arnisæus*, & *Maxwell* in his *Sacro Sancta Regum Majestas*, *Cap.* 17. And by this principle *Cromwell* was the lawfull supreme Governour of the Kingdome of *Scotland*, and had just tittle & right to the Crowne thereof, having now conquered the same; & if this principle of theirs be true (which is much questioned by their opposites) no complyance with him, could by any law in the World, be treason against any Prince whatsomever, for obedience unto, & concurrence with, a lawful supreme Magistrat can be treason against no man living: How then could this noble Man be challenged upon the account of treason for complyance? Let all the Royalists answer this, without contradicting themselves, if they can.

4. Is there any lawyer who can produce such a definition of treason against a Prince, or a supreme Magistrat, out of the civil law, as will condemne the deed of this worthy noble Man, & make complyance with a conquerour for the good & saifty of the countrey after all meanes of defence are broken & lost, an act of treason? And since the civil law can condemne no such deed as treasonable, the sentence given out against his noble Man, must be without all warrand of law.

5. Are there not many countreyes, Kingdomes & cities that have been overrun by their enemies, & have had their own lawfull Governours put from them; & so have been forced, to live under the feet of strangers; & hath it not been usuall for them to comply with such as had the present power in their hand for their own saifty, & the good of the place? And

was it ever yet heard that such were accused & condemned of treason against their own lawful Governours, thrust from them sore against their wills, for any such complyance? And is it not wonderful that this eminent nobleMan should become a preparative unto all the World?

So then, to put a close to this, let an appeal be made to all Governours of Commonwealths, Statesmen, Lawyers, Casuists, Politicians, Canonists & Quodlibetists, yea & Royalists, if they will speak consonantly to their own principles & their answer & interloquutour be had in point of law unto this question. Whether or not, when a land is overcome in battel, once, againe, a thrid time, & a fourth time, so as they are forced to lie under the feet of the conquerour, and expect his mercy, their own supreme Magistrat is forced to flee away, for his life, without all hope of returning; & so they left without all goverment but what they have from the conquerour; & when it might have been expected that he would have ruled them, & disposed of them [*jure conquestus*, *as conquered*] according to his own pleasure, yet he did admit such as they thought fit to choise, to sit in his supreme Councel for giving their advice for regulating the affaires of that Kingdom, & common wealth, which is now conquered & subdued; Can it be treason in any, when chosen by the countrey, to sit in these Councells, & advise what they think best for the good of the countrey? Or can they, or any of them, be challenged, or accused, & condemned, as guilty of heigh treason, when providence bringeth back the prince after ten yeers absence, for acting so under the conquerour, for the good of the land, to prevent its utter ruine, & destruction? And if the answer shall (as certainly it will) be negative, then it is beyond all question that the sentence & execution of this worthy noble Man, upon this sole account, shall be matter of astonishment to all that hear of it & know the cause thereof.

Thus a great prince falleth, & within five dayes therafter, a great prophet falleth as shall be shown in the next section.

Section V.

The grounds of the suffering of Mr James Guthry *Minister at* Sterlin, *who was executed the first Day of Iune* 1661. *examined.*

After the parliament is assembled. *Mr Iames Guthry*, minister at *Sterlin*, who was one of those ministers who were incarcerated for the cause above mentioned, Sect. 3. & who after some weeks imprisonement in the castle of *Edenburgh* was carryed thence & imprisoned in *Dundee* from thence is sent for, by the parliament & impannalled before them being accused of high treason. He was a man who had been honoured of God to be zealous, & singularly faithfull, in carrying on the work of reformation, & had carryed himself streightly under all changes & revolutions: & because he had been such an eminent one he must live no longer; for he is condemned to die, & most basely handled as if he had been a notorious thief or malefactor, he is hanged, & afterward his head is stuck up upon one of the ports of the city of *Edinburgh* where it abideth unto this day, preaching the shamefull defection of these who dealt thus with him, & calling to all who goe out & in at the gate of the city to remember their covenant with God for which he died a martyr. But it is like many will think it behoved to be some great crime for which this eminent servant of the Lord, was thus handled, but what if it be no such crime? yea what if it was a duty, for which he was thus put to suffer? Reader, thou shall hear it, & then thou mayest judge. Some ten years before, he was challenged by the King & his councell for a doctrinall *thesis* which he had maintained & spoken to, in sermon, & because he found them, incompetent judges in matters purely ecclesiasticall, such as is the examination, and censureing of doctrinall poynts *primo instanti* he did decline them upon that account: This is his crime, & for this he is condemned as guilty of high treason, & this will be the more

wonderfull, if thou consider, how as thou hast heard, many worthy & precious servants of christ, did decline the King, & his councell in the dayes of King *James*, such as Mr *Balcanqual*, Mr *Melvin*, Mr *Blake*, Mr *Welch*, Mr *Forbes* & others as incompetent judges in causes meerly ecclesiasticke; and yet ther was never one of them put to death. It is true there was an act of Parliament, *Anno* 1584. dischargeing such declinatures under the paine of treason: but the very next year, *Anno* 1585. King *James* himself did emit a declaration shewing that *he for his pairt should never, & that his posterity ought never, to cite summond, or apprehend any paster for matters of doctrine. in religion, salvation, heresies, or true interpretation of scripture, but avoucheth it to be a mater meerly ecclesiasticall, & altogether impertinent to his calling:* Which though not equivalent to an Act of parliament; yet whether it may not be a *supersedeas* to an Act, & a ground of exemption to the subject, from the rigour thereof till the law be revived by a posteriour act, which was never yet done, lawyers may judge. But which is more there is an Act of Parl. *Anno* 1592. declareing that that former Act *shall no wayes be prejudiciall, nor derogat any thing to the privilege, that God hath given to the spirituall office bearers of the church, concerning heads of religion, matters of heresy, excommunication, collation or deprivation of ministers, or any such like essentiall censures, specially grounded & have and warrand of the word of God.* And which is more considerable. The parliament 1648. did disclaime any such power of judging in church matters, & took it for an unjust challenge & charge, to say, that they took an antecedent judgment in maters of religion, for in their letter to the presbyteries of *Scotland* being their *Act* 16. *May* 11. 1648. they have these words [*Neither can it be with any truth or justice in any sort alledged that we have in the least measure wronged or violated, the true privileges or liberties of the church, or any way taken upon us, the determination or decision, of any matters of faith, or church discipline though we be unjustly charged with taking an antecedent judgment in matters of religion.*] By which every one may see that the parliament did looke upon themselves as an incompetent judge in matters of faith or religion

gion? *Primo instanti*, or antecedently unto the decision & determination of the church. And now let lawyers judge, whether, when the *parliament* the supreme judicature of that land doth declare themselves, incompetent judges, in matters of religion; The *Privy Councell* (which is, a judicature inferiour to the parliament by the fundamentall lawes of that land, having its originall power & antiquity from the Kings Maj. & the estates of parliament, & so is subordinat there to, & ought to be countable to, & censureable by them, according to the 12 *Act* of *Parl.* 2. King *Iames* 4. See for this *Act* 27. *Parl* 2. of King *Charl* I. 1640.) may become judges thereof & whether, seing by confession of Parliament they can be no lesse incompetent judges, then the parliament it self, it can be truely treasonable to decline them. Though it were granted that that *Act* of Parliament 1584. were no way weakened by the other *Act* 1592. which yet is expressely explicatory thereof; yet it could no wayes be treasonable in him to decline the councell as an incompetent judge to him, in that case; because the *Act* 1584. is to be understod in such cases only in which they are propper judges But it will be replyed that the Act maketh them *judges competent to all persones spirituall or temporall, in all matters, wherin they or any of them shall be apprehended summoned or charged.* Answ. True, the act speaks so, in the generall, & yet it is well known, that notwithstanding thereof, any of his majesties subjects might decline them when cited for causes, the cognition whereof did popperly belong to another distinct judicature such as the *court of exchequer* or *the Lords of the Session:* so that this *all* is to be restricted to such causes as do belong to them. And under it, causes purely ecclesiastike cannot be ouderstood becaus of that which the Parliament, *Anno* 1648. said; Parliaments know best what causes belong to their cognition; & what doth not belong to a *Parliament*, will never belong to the *Privy Councell.* If it be replyed againe that the meaning of the Parliament 1584. was to give the councell power in church matters, because this *act* was devised of purpose to hinder ministers to protest against the King & his counsell, as they had

done before *Anſ.* that is true. But that will ſay nothing now when the Parliament 1648. hath declined to be judges in ſuch matters; and Parliaments can beſt expound their own lawes and acts, & can beſt explaine the extent of their own power, and conſequently can beſt declare what cauſes theſe are, of which, the *Privie Councell*, is competent judge, & what not; & when they declare that themſelves are not competent judges in matters of doctrine & religion, they do more then ſufficiently declare that the *Privie Councell* is not a competent judge in thoſe matters. But for all this, this worthy man muſt die, & he dieth a martyr for the truth, againſt the *Eraſtian* abomination.

SECTION VI.

The ſufferings of ſome other Miniſters related.

AMong other acts of the *Committy of Eſtates* there was a proclamation, which they cauſed be read, at all the church doores of the Kingdome upon the Lord's day; in which they diſcharged miniſters to ſpeak or preach any thing againſt them, or their proceedings: & this was to command them to handle the word of the Lord deceitfully, to become falſe prophets, & to preach ſmooth things and to prophecy deceits: wherby the malicious & ill affected people who did not love their miniſters were encouraged to give in delations of ſuch & ſuch things as they thought good to allaidge againſt them as uttered in their ſermones & bring in any prophane perſones they pleaſed for witneſſes. By which meanes, ſome (though many were in no hazard thinking it commendable prudence to be ſilent at ſuch a time) were brought to trouble both by the *Committe of Eſtates* & by the *Parliament*, being impriſoned or confined and otherwayes hardly uſed though litle of what was allaidged, could

could be proved againſt them. More over ther was one miniſter, who after the Parliament had annulled the covenant, & paſſed many other acts againſt the work of reformation, thought himſelf bound in conſcience to give faithfull & free warning, & to shew the greatneſſe of the ſin of backſlideing & defection from the cauſe and truth of God; & to proteſt publikely in a Miniſteriall way for his own exoneration, after the example of *Samuel* at the comandement of God, againſt the courſe of defection carryed on, & all acts made, in prejudice of the covenanted worke of reformation: for which cauſe he was ſummoned before the Parliament and at length condemned of treaſon & ſedition onely upon that acount, & therafter was banished out of all his Maj. dominions. And if any ſay that miniſters should have been ſilent & not meddled withſtate affairs let the anſwers which famous doct. *Voet:* giveth in his *Politia Eccleſ.* pag. 982, 983. &c. be conſidered, which are theſe. 1: It is the duty of Miniſters to give faithfull warning unto people, *Ezek.* 3:17,22. 2. This was not to meddle with the politie, but with the abuſe of it by men in power. 3. Rulers no leſſe then others muſt be touched when they provoke God to wrath by their carriage, 1 *Theſ.* 5: 11. *Iam.* 5: 20. 1 *Sam.* 15:14. *Iſa.* 58. 1. 4. Then they should never ſpeake to a hundered places of ſcripture, which do ſpeake ſo directly againſt Magiſtrats abuſeing their power. See what he ſayeth furder to this purpoſe there: in anſwering thereſt of the objections, & how he cleareth it from *Act.* 7: 51. *Hoſ.* 2: 1. *Dan.* 3. & 6. *Act.* 4. & 5. & 6. *Hoſ.* 4. 15. *Iud.* v. 23.

About this ſame time there is another miniſter banished *in dicta cauſa* for while he was going towards *Irland* upon ſome particular occaſion he was brought back By the command of *the committee of Eſtates* & committed to priſone untill the meeting of Parliament, & then receiveth ſummones of treaſon, to which when he had deſired ſome time to anſwere, he is ſent back to priſone, & when he expecteth to be called upon to give in his defences, he was ſentenced with banishment out of his Maj. dominions.

And which is more to be wondered at. Neither these two ministers nor any other who were afterward banished, as shall be showne; could ever to this day, get an extract of their sentence, which no judicature in the world could ever have refuised in equity & justice,: yea because the power of the *Parliament* & *Councell* of *Scotland* could reach no furder then their own bounds, & so could banish none any further then out of *Scotland*; they devise another way & draw up a bonde where in the subscriber bindeth himself under the paine of death, to remove out of all his Maj. dominions betwixt & such a day & not to returne without license under the paine of death, & this bond, they caused the banished ministers subcribe, before witnesses; which they were all necessitated to do to save themselves from worse. Judge reader if this was not both cruell & unreasonable.

SECTION VII.

Concerning their sufferings who refuised to observe the Anniversary Day.

AMong other Acts of the first Session of Parliament, there is one for a solemne anniversary thanksgiving, wherein they statute & ordaine [*That in all time coming the twenty ninth day of May* (which was the day of this Maj. birth & restauration to his government) *be set a paint as a holy Day unto the Lord, & that in all the Churches of the Kingdome, it be imployed in publick prayers, preaching, thanksgiving, & praises to God, for so transcendent mercies, & that all trade, merchandise work, handy-labour, & other ordinary imployments be forborne, & the remaineing part of the day spent in such lawful divertishments, as are suiteable to so solemne an occasion.*] Unto which Act, many of the ministry did give obedience out of fear; But others could not in conscience yeeld thereunto: not only because, it is not in the power of any under heaven to

appoint

appoint anniversary holy Dayes, the Creator alone having reserved that power into his own hand, to consecrate any portion of time he pleaseth, & make it holy; So as holy duties must attend it, as holy duties & acts of worship, attend the Sabboth-day, the only holy Day which is now warranted, by the Word of God. It is true the Church may, when God, by his providence is calling to mourning, to fasting, or to thankesgiving, set some time a part for these duties of praying, or reyoiceing, but then the time doth attend the dutyes called for, & the duties doe not attend the time, as they do the Lord's Day. But also because of the grounds & reasons of the solemnizeing of that Day; which are contained in the narrative of the act, unto which no man who had not made shipewrak of faith & of a good conscience could consent, as every one may see, who will but ponder the Act, a part whereof (to give but a taste of the whole) followeth [*The Estates of Parliament of the Kingdome of Scotland, taking to their consideration, the sad condition, slaverie & bondage, this ancient Kingdome hath groaned under, dureing these twenty three yeers troubles, in which under the specious pretences of reformation, a publick rebellion, hath been by the treachery of some, & misperswasion of others, violently carryed on, against sacred authority, to the ruine & destruction, so far as was possible, of Religion, the Kings Maj. & his Royal Government, the lawes, liberties, & property of the people; & all the publick & private interests of the Kingdome; So that Religion it self* ——— *hath been prostitute for the warrand of all these treasonable invasions made upon the Royall Authority; And disloyal limitations put upon the alleagiance of the subjects, &c.*] By which & what followeth, it may be obvious to all who read & consider the said Act. That none could so much as preach on that day or give any countenance to such a work, unless they would condemne all which had been done for twenty three yeers space, in carrying on of the work of Reformation, as being the height of treachery & rebellion, designedly & purposely carryed on, under the specious pretexts of Reformation; And what faithfull Minister durst adventure on that, to condemne King & Parliaments

Church, & State, & themselves too as treatours & rebells, unworthy to live any longer? Can any expect that Ministers, before they be convinced of a fault should be so rash & unadvised, as to goe to pulpites, with ropes about their necks, & declare, before all, that they had been so long (& possibly all their dayes, as to some young men) living a life of rebellion, against the lawfull Magistrat, carrying on a course of rebellion, to the ruine of Religion, King, & Kingdome? And can it be expected in reason, that such as refused to countenance that day should be condemned by any who shall but seriously consider, what are the consequences of such a complyance? Neither let any say that it was out of disrespect to his Maj. that any Minister did refuise to countenance the work of that day; For all of them did willingly keep a day of solemne thankesgiving, at his coming home; And Presbyteries, & Synods did chearfully appoynt dayes for that effect. That which the famous & learned *Voetius* observeth concerning such dayes in his *Polit.* Pag. ult. viz. *That it may come to passe that the time when such an anniversary day should be keeped may be a time when God calleth for fasting, & mourning, then such may look for that woe: Isa. 22:12, 13. As rojoyce when they should mourne:* is considerable: & whether it was a fit season then to rejoyce, or not, let the Reader judge when he considereth that upon the Monday before that anniversary day, the famous *Marquis of Argile* was executed & upon the Saterday thereafter. Faithfull *Mr Guthry* was put to death. And that also which he sayeth against Ministers keeping a sinfull fast, Pag. 993. Holdeth good here; for Ministers were clear that this was against the common cause of God. And therefore many who could not satisfy themselves with some fine distinctions & evasions to reconcile themselves unto the publick lawes, resolved with the primitive Christians to hazard their reputation of loyalty (as *Stillingfleet* sheweth in his *Origines Sacræ*, Pag. 321.) rather then to countenance such impiety.

SECTION

Section VIII.

The grounds why Miniſters did refuiſe to goe to the Prelats Courts, cleared.

A Little after his Maj. returne he was pleaſed to write unto the Presbytery of *Edinburgh*, (who were to communicat it unto the reſt of Presbyteries of the Kingdom) a gracious letter, (as it was called) wherin he promiſed to owne & to countenance the government of the Church as it was eſtablished by law, wherby many took him to meane Presbyterian government; But others feared a deſigne to overturne Presbyterian government & to introduce Prelacy (as afterward it came to paſſe) & when the Parliament did reſcinde all acts, & ſtatutes made in favours of Presbyterian government & did devolve the power of ſetling the government of the Church upon his Maj. they did by their, *Act.* 16. allow the preſent adminiſtration by *Seſſions*, *Presbyteries*, & *Synods* for a time. But at length *Mr Iames Sharpe* (a man who had formerly been intruſted by ſeverall of the Miniſtry & confided in, as one who would prove moſt faithfull unto the Presbyterian intereſt but now had betrayed his moſt intimat brethren, & laid down a courſe for overturning his mother Church & therby declared that he was a moſt unnaturall childe of that Church) & other three Miniſters with him went up to *London* were firſt being made & ordained *Deacons*, & after that *Presbyters*, they are conſecrated *Biſhops*, upon the --- day of --- 1661. & with all there is a proclamation from his Maj. of the date at *Whitehall* the 6 of *September*, *Anno* 1661. declareing, *His Royall pleaſure to be for reſtoreing of the government the Church by Archbiſhops & Biſhops as it was exerciſed in the year* 1637. *& that he had nominated & preſented perſones to the ſeverall Biſhopricks of the Kingdome of Scotland of whom ſome have been lately conſecrated & inveſted with the ſame dignities, Church power & authority which was formely competent to the Archbiſhops and Biſhops in the Reignes of his Royall grand Father and Father of bleſſed memory,*

mary, and that the allowance of Presbyteriall government is now of it self void and expired, as being only for a time, &c. *And so the jurisdiction and exercise of Church goverment should be ordered in there spective Synods Presbyteries and Sessions by the appointment & authority of the Archbishops and Bishops according to their privilege & practice.* In obedience to which proclamation. The *Privy Councell, Jan.* 9. 1662. did make publick *intimation thereof & discharge all ecclesiasticall meetings in Synods presbyteries & sessions, untill they be authorized & ordered by the Archbishops & Bishops upon their entry unto the goverment of their respective seas which is to be done speedily.* Wherupon at the time of the meeting of the provinciall Synods, noblemen & others were sent to raise them by force.

But therafter when these foure returne from *London*, & consecrat the rest, there were acts made in the second session of Parliament viz. *Anno* 1662. *redintegrating them to the exercise of their episcopall function, & to all their previleges, dignities, jurisdictions, & possessions due & formerly belonging thereunto:* as also there is an act *ordaineing all ministers to repaire unto the diocesian assembly & concur in all the acts of Church discipline as they should be therunto required by the Archbishops, or Bishop of the diocese, under the paine of being suspended from their office & benifice till the next diocesian meeting, for the first fault, & if they amended not, to be deprived, & the Church to be declared vacand.* But notwithstanding of this act, all such ministers as resolved to keep a good conscience, did forbear to goe unto these meetings, or unto the other meetings, which they call *exercises*, in which meetings, the prelate, & such as he named, did not only preside, but ruled as they pleased; Not only becaus the privileges of the judicatories were encroached upon, & wronged by the Prelate, presideing at his own hand, without the consent of the rest, contrary to the constant practice of that Church, & becaus a constituent member of these judicatures viz the *ruleing elder* was excluded, contrare to the principles of presbyterian goverment, the practice of that Church from the begining, the practice of all other reformed churches, & of the primitive Church, & contrary to

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the judgment of many eminent divines both there, and abroad, who have clearly made it to appear out of the scriptures that Christ hath instituted such officers. (and these should have more weight, then those three mentioned by the author of *the Seasonable case* pag. 11. as of another judgment.) But also because these meetings now differ from the meetings & judicatories which the Church had before, not only in name (they being now called *doeceſian meetings*, & not *Synods* & *Presbiteries*) but also in thing. The former judicatories are razed, & overturned, & these new meetings are erected upon a new *Baſis* the Kings power & perogative to setle what forme of Church goverment he thinketh best; & they are now authorized & ordered by the prelates: & so they are pieces & partes of the prelaticall goverment, & therefore they are distinct from what they were before: So that no minister that made conscience of his covenant & vow for presbyterian goverment & against prelaticall could with peace & freedome, keep or countenance these meetings.

It is replyed by the prelates procurator, the new casuist in his pamphlet called *the ſeaſonable caſe* etc. pag. 12. *That the meetings now & before are of the same constitution, nothing altered, nor any more holding of Bishops now when the Kings Maj. hath taken off the restraint which for a time, he put on, then if he had not at all restrained them.* But this is no satisfactory answere his meer denyall will not availe much with indifferent men of understanding, for the difference is clear: because 1. formerly, Church judicatories had power within themselves to nominat, & appoynt their own moderator, now it is not so 2. Formerly, Church judicatories, & Church power, did flow from the Lord *Jeſus Chriſt* immediatly, as being the only head of his Church, now they flow from another fountaine: viz the King as the fountaine of all Church power, & therefore is the goverment called *his majeſties governement eccleſiaſticall* in the *Act* of *councell July* 10. 1663. & the prelats in the discharge of their office are said to do *ſervice to his Maj. in the Church* in the *act of councell Jan.* 9. 1662. 3. Formerly, Church judicatories did meddle with every scandal, now they

must

must meddle with no more then the prelat pleaseth. 4. Formerly, presbyters had power to voyce & to determine by their decisive suffrage, now they are but the prelates counsellours, of whose counsell & advice he maketh what use he thinketh fitt. 5. Formerly, there was none in those judicatories who had a negative voyce, now the Bishop hath it, & the rest are but cyphres. 6. Formerly, in these judicatories ther were ruleing elders: but now that constituent member is not admitted, which particular alone will sufficiently evidence that the face & frame of the judicature is altered. And since it is so; any man of understanding may easily perceive, such a difference as maketh those meetings now to depend upon the King: & upon the prelat, who hath a negative voice in them, & whose dioecesian meetings they are, being now modelled conforme to the number of prelats, whileas before in some dioecies there were three provinciall Synods. Moreover the passage which was cited before out of the *Proclamation*, *Ian.* 15. 1662. cleareth this aboundantly; for there it is said expresly, that the administration of the Church in the way it had been, (that is the administration of presbyterian goverment) is inconsistent with that which is now established, or Episcopall goverment; and the councell is better to be beleeved then this man who speaketh without ground. againe why did *King* & *Councell* discharge those meetings, but because they were making way for the setling of Episcopacie? and finally why is the jurisdiction and exercise of Church discipline, which was allowed for a time, set in opposition, [to the jurisdiction & exercise of Church Goverment ordered in the respective synods, presbyteries & sessions, by the appoyntment & authority of the Archbishops, & Bishops thereof, according to their known privilege & practice conforme therto.] If not to clear this difference.

He objecteth pag. 8. & sayeth [*That the supreme Magistrat hath undowbted power to convocat synods, when he seeth it needfull* ——— *& no protestant minister would refuise to come, at his comand; nor is there any ranke or degree of subjects, that can without the staine of sinfull disobedience, refuise to meet upon his Maj.*

Maj. command, and ministers cannot plead exemption from the common duties of subjects] It is answered. 1. It is true ministers are subjects no lesse then others; & are obliged in conscience to subject themselves Unto the civill Magistrat, in the Lord, no lesse then others; But. 2. Neither ministers nor others are bound at the Magistrat's command to sin against God, it being alwayes better to obey God then man & here in obeying this command, Ministers, should have hainously sinned against God, for. 1. They should have therby acknowledged, upon the matter, that the Magistrats power, in Church matters, is such, as that, he may appoynt what forme of Goverment he will, which no presbyterian, in conscience, could yeeld to, without wronging of Christ, the head & King of his Church; as shall in due time be made furder to appear. 2. They should have therby testified, & acknouledged their approbation of Episcopall Goverment, contrary to their oath & subscription, for this was pressed as a badge of conformitie, & signe of subjection unto Episcopall Goverment; as the *Proclamation* of the *Privie Councell* before mentioned doth abundantly clear, & these meetings are meer episcopall meetings as is showne. 3. Ans. as to the ground of the objection viz. That the Magistrat hath power to convocate synods; It would require a longer time then can be now allowed to discusse the same, & to try, how, & in what cases, it willhold good. But this is certane that the judgment of the Church of *Scotland* as to this particular, as may be seen in the *Act* of Assembly *Anno* 1647. approving the confession of faith, & prefixed therunto) is *that in Churches constituted* (*such as the Church of Scotland was*) *the Magistrats authority is not sufficient to call a Synod without any other call, that is, without delegation from their Churches, & that it is free, to Ministers, to Assemble together synodically as well, pro re nata, as at the ordinary times, upon delegation from the Churches by their intrinsecall power received from Christ, as often as it is necessary, in case the Magistrat deny his consent*] But be it granted (as in some cases it may.) Yet it will not follow that therefore Ministers were bound in conscience to have countenanced those meetings; and that for these reasons.

1. Be-

1. Because, these were no extraordinary Synods called by his Maj. *prore natâ*. Nor. 2. Were they any of the former Synods, used while presbyterian Goverment was in force. But. 3. They were new meetings, upon new principles, having their rise from a new spring, & fountaine, & constituted otherwise in a new forme, and so, they were no meetings consonant unto the principles of presbyterian Goverment, but wholly dissonant, & meetings complying with, & flowing from, Episcopall power & jurisdiction, & ordered by prelaticall authority & oppoyntment. 3. Countenanceing of these meetings, upon the matter, would have been an assenting & consenting unto, the pulling down of presbyterian Governement, which they were sworne to maintaine. 4. Yea it would have been a fearful matter of offence & stumbling unto the godly, & truely tender; & a hardening of others, who had complyed; & withall a dangerous casting of themselves into temptation, as experience doth abundantly prove dayly: and therefore this comand could not be obeyed; for no command of a Magistrat can warrand any to sin, by doing that which is, in it self, sinfull yea or what is a reall ground of offence unto others (provideing the matter be not absolutely necessary, antecedently) unto the command of the Magistrat.)

But he addeth [*Is this rationall that where two commands of the Magistrat are joyned, the one undowbtedly lawfull, the other dowbted of; that subjects should disobey the Magistrat in that which is clearly lawfull, because they have a dowbt or unclearnesse anent obeying him in the other command* —— *had they come to the place it would* pro tanto *have shewed their respect unto authority*]

Ans. It is a great question if this man speake rationally here: doth he thinke that the civill Magistrat did intend two commands in that one? he may as well say that he did intend twenty: will he so metaphifically anatomize the commands of conncells & Parliaments, as to render them ridiculous? would he have had ministers sporting & jesting in such a serious matter, with the supreme Magistrat? if the Ministers had come't to towne & seen what of the cloke it was, & then returned home, would this casuist have cleared them either *pro tanto* or *pro toto*?

Nay

Nay, he would without all doubt, have exaggerated that crime, as the height of contempt, & as an open preaching & proclameing of their contempt unto the world. But in such a sad declineing time the faithfull ministers of Christ had some other thing to think upon, then thus to sport themselves, & mocke authority by halveing orquartering the commands and injunctions thereof, & therefore would neither get on horse backe, nor come half the way, nor to the place appoynted, because they might not in conscience concurr with the prelat there, in that dioecesian meeting, which was the onely thing commanded, & their coming to the towne, was no more commanded, (save as subservient thereunto) then their riseing out of their Bed that morning, or their taking horse, &c.

In the 3 place he addeth [*What ground could they have for separation, from the Synod? is it the want of liberty to choose a moderator or is it that he who presideth is a Bishop, and claimeth more power then they can allow-as of a negative voyce; or is it the want of unpreaching elders in the meeting?*] It is Ans; Neither any of these alone, nor all of them together, are the full and compleat ground; but this. That it is a meeting called together by the civill Magistrat, assumeing to himself, power to cast downe the established government of the Church, & the primitive governement, & to settle what kinde of government he thinketh fit, as best complying with his own & his subjects humors, & who accordingly hath razed to the fundation presbyterian government, unto which, both he & all the lands were sworne: and is setting up prelatical government, against which he & all the lands have sworne, of which, these three particulars mentioned, are so many evidences: And that they are so, cannot be denyed; for. 1. Whatever truth be in this assertion. That ecclesiasticke judicatories have a divine warrand for chooseing their own moderator. This is clear & undenyable, that while presbyteriall governement was in its integrity & vigour, the assemblies of the Church nationall, provinciall & presbyteriall, had this privilege to elect their own moderator, & when ever prelats began to rise & get entrance in

that Church, this incroachment among other shee did suffer at their hands, for they knew that *Invasio perpetuæ dictaturæ* would be *via ad Imperium*. Constant moderators would usher the way for domineering prelats (as was showne Sect. 1.) And therefore this is a clear evidence of the change of the government from presbyteriall to prelaticall. furder though that which *Zepperus* sayeth viz *Præsides ecclesiastici*, &c. that is *the moderators or presidents of the ancient councells were some time named by the emperour* be true; yet it will be a mere *non sequitur* to conclude thence, as this author doth viz *That it is lawfull for the Christian Magistrat, upon whom the externall ordering of all the judicatories in his dominions depends, to nominat out of a meeting of ministers, conveened by him, one of the number, to order the actions of the meeting, and by his authority to controle the unruly*, not only as being a concludeing of a generall from a particular; but as being a putting into the concluſion, what is not in the premisses, & a mixing of heterogeneous things together. What he meaneth by this *externall ordering of judicatories* who can tell? unlesse it be all that power which ordinarily is exerced by a moderator; & will he say that the Magistrat ought to choose all the moderators? Hath the supreme Magistrat any more interest in those meetings, or hath he so much, as he hath in civill meetings? & doth he appoynt all the mouthes of these meetings? But have not Church judicatories within themselves, power for their own externall ordering? who then ordered the Synod at *Ierusalem*? Act. 15. To say the Magistrat was not then Christian & therefore it did not belong unto him, is enough to prove that it doth not belong to him as a Magistrat. But there is enough said to this here, which is but barely asserted by him without proof: And. 2. As to the next what ever be asserted concerning that which Mr *Baxter* & *Mr Vines* (as he reporteth of them) say, viz. [That for peace, presbyters may suspend the exercise of there just authority, and resolve to give to one person of their number a negative voice.] (though many moe divines with greater reason think, that seing God hath given them no power whereof they may denude themselves when they think fit, & suspend the exercise of at the

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mode of any other, It cannot be lawfull for them to give that negative voice unto any) yet this is undeny able. that there never was any such thing claimed by, nor granted to any, all the time that that Church enjoyed presbyterian government & it is as undenyable, that so soon as prelates gote up, unto their chaires they challenged that negative voice to themselves, as their due, & took it whether presbyters would or not; & so have the prelats done to day; & therefore this concession of these eminent men were it never so true, as it is denyed by many, is nothing to the poynt; for by this one particular, it is as clear as the noonday that the government is altered from presbyterian to Episcopal, & therefore though it be true that the personall fault of another cannot be a good ground for brethrens withdrawing from their duty; yet when by their concurrence to consult alone (when by God's law they have equall authority with any that sitteth there) they shall consent unto that change of government, it becometh sin & not duty: for now all presbyterian government is overturned, they see prelats set up as before; so that if they concurre they cannot avoide sin. To say (as he doth a little before, pag. 8. *(that it might be permitted to them if they intreated for it, to ease their consciences, by signifying their scruples, so be, they would do it with that inoffensive modesty, humility and respect unto the supreme authority, & to the lawes of the land* is to please the simple (that beleeve every thing) with a faire word, for it behoved to be done with such in-offensive modesty, & humility, as no body should either hear or know of it, otherwise, they might be sure it would be accounted disrespect unto the supreme authority, & to the lawes of the land & they might expect presently to be attached & processed. Lastly as to the 3 particular, whether the opinion of *Mr Vines Mr Baxter* & *Blondell* (if he speak truth) in denying the divine right of ruleing elders, be assented unto; or rather the contrary opinion, which is owned by so many Churches & professours, & particularly by the Church of *Scotland*, from the begining; yet this is clear that that Church had still such officers, so long as she was governed *Communi consilio presbyterorum: by presbyteries*, & no sooner did prelats usurpe the place, but they shouldered

these officers to the door: and therefore this is another palpable evidence that the nature of these meetings is changed, from presbyterian to Episcopall, so that to concurre, by meeting with the prelats at their diocesian meetings, must be an approving of prelacy, & this cannot be done without perjurie.

But he objecteth pag. 12. Thus [*Our worthy ancestours choosed rather to concurre with such meetings then to desert them*] Ans: The case then, & now differeth farr; for then these judicatories were standing when the prelats were brought in upon them, & Ministers were then bound to keep possession of their rights, so long as they could; & by meeting in the judicatories (there being no restraint laid upon them by law from speaking their minde freely & protesting as they saw occasion, as is now when such actings are declared treasonable & seditious) they were in a capacity to do something for vindicating of Church privileges at least for exonering their owne consciences; Yea & for curbing, in a great part, the prelats power: Whence it was that neither the *Prelats*, nor the *Estate* did ever command Ministers to attend those meetings, but rather wished, with all their heart, that they had forborne to come; but now presbyterian government is quite overturned, all presbyterian assemblies are discharged, under the higheſt paine; & after prelats are advanced, & never till then, there cometh forth a new order for new meetings upon new principles, meetings otherwise constituted then formerly; in a word, such meetings, as did but serve to approve of & confirme prelats in their place & power, & therefore all were commanded by the *Estate* to concur with the prelats in their meetings under a penalty. So that it is but a meer falshood, to say [that the meetings then & now are of the same constitution, nothing altered;] for, then they were hedges standing in the prelats way, though much weakened, by reason of the civill power opposeing; but now they are props to support & strengthen the hands of the prelats, as being wholly ruled & guided by them.

By what is said, it is hoped, that tender Christians will see that there was no small ground of scrupleing at these meeting & that

that they will be loth, rashly to condemne such, as feared to transgresse in the least, & resolved rather to suffer then to sin; eing it is now beyond controversie that their concurring in those meetings, had been upon the matter a consenting unto, & an approving of prelaticall government, upon which account alone, the faithfull servants of Christ did refuise to concurre.

Section IX.

The reasons why Ministers refuised to seek presentations & collations, cleared & defended.

THus the Lord was pleased to keep his servants out of this snare, which the prelats had caused plet for their consciences; but there are others & stronger following. The Parl. in their second session *An.* 1662, made an act *ordaineing, all Ministers who had entered to the cure of any parish within brugh or land in or since the year of God* 1649. *to have no right unto, nor uplise the rents of their respective benefices, modified stipends, manse or gleib for this instant year* 1662. *nor for any year following, unlesse they should obtaine a presentation from the lawful patron and have collation from the Bishop of the dioecy where he liveth before the* 20 *of Sepr. next.* for understanding of this, It would be considered. That before the year 1649. the Church was groaning under that sore oppression of laick patrons, having power to presente Ministers unto benefices; and then the Parliament was pleased to discharge all presentations of Kirks & patronages whether belonging to the King, or to any laick patron, upon good & weighty grounds as the narrative of their 39 act *March* 9. 1649. sheweth in these words [*The Estates of parliament being sensible of the great obligation that lyeth upon them, by the nationall Covenant, & by the solemne league & covenant, & by many deliverances & mercies from God, & by the late solemne engadgment unto*

ties. To preserve the doctrine and maintaine and vindicate the liberties of the Kirk of Scotland, and to advance the work of reformation therein to the utmost of their power: & considering that patronages and presentations of Kirks, is an evill and bondage under which the Lords people, and Ministers of this land, have long groaned, and that it hath no warrand in God's word, but is founded only on the common law, and is a custome popish, and brought into the Kirk in time of ignorance and superstition, and that the same is contrary to the second book of discipline; in which upon solide and good ground, it is reckoned among abuses that are desired to be reformed, and unto severall acts of the generall assembly: and that it is prejudiciall to the liberty of the people, and planting of Kirks, and unto the free calling and entering of Ministers unto their charge.] And after this Ministers entered by the call of the people of whom they were to have charge. Now this Parliament will have this piece of reformation undone, & the Church brought back unto her old state of bondage, & so will have Ministers to seek for these presentations, & thereafter, to go to the Bishop for his license & approbation to officiat & exerce the Ministeriall function.

But the faithfull & zealous servants of *Christ* had not freedome nor liberty to do either of these, & therefore resolved to suffer, rather then to sin.

They had not freedome to go to seek a presentation, for these reasons.

1. Because, they saw no warrand for such a way of entering into the Ministery allowed of Christ, or his apostles, nor practised many hundereds of years thereafter, and therefore to approve of such a way had been a sin.

2. The Church had been long groaning under that oppression, & bondage, & was desireous to be rid thereof, at the very beginning, but could never obtaine it untill. *An* 1649 Now if they had obeyed this act. & submitted unto this oppression, they had consented unto the spoileing of the Church of her privileges, and had condemned that worthy & renowned Parliament, who were graciously moved of God, to take off this Yoke off her necke.

3. They

3. They should, in so far, have consented unto the defection now carryed on; for this was a piece thereof. The restoreing of the Church unto her rights & privileges, was a part of the work of reformation] yea & no small part thereof, & when this privilege is taken away, the work of reformation is in so far overturned; & therefore such as would have sought presentations, should have made defection themselves, & have consented unto, & approved of the Parliament in carrying on the worke of defection, in so far.

4. By the 36 act of the first Session of this Parliament. It is *ordained that the person to be presented shall in presence of the patron, or his atturney, and of the sheriffe of the shire. Stewart of the Stewartry, or heretable baily, or commissar of the bounds if it be in the countrey, and of the Magistrats of the brughs within the brugh before the granting, and their accepting of the presentation, Take and subscribe the oath of alleagiance otherwise his presentation is null and void of it self.* Now as shall be showne hereafter, no man could with a saife conscience, take that oath as it was tendred by this Parliament.

5. They should have thereby condemned the manner of Elections by the people, & consequently themselves, as being hitherto intruders becaus entering into the Ministery, without a lawfull call, viz without the presentation of the patron.

But it will be objected. That all the minjsters of *Scotland* who entered before the year 1649. should by this meanes, be condemned as intruders, entering without a lawfull call. Ans: Though patronages cannot but be condemned, as sinfull, tending to ruine the Church, & to defraude her of much advantage (beside the spoiling & robeing her of her privileges & liberties, which are purchased to her, by the blood of Christ) becaus, the patron (who sometime, may be a prophane person, & a persecuter) either hath not understanding, to discerne the spirits, or will not make choise of the best & most able minister: Yet such as entered that way, before the year 1649. cannot altogether be condemned, partly becaus then the evill of it, was not so fully seen & perceived; partly becaus that evill had not been reformed, & there was no other

way of entry practised, or practicable by law; & so though they might groan under that burden; yet they could not get it helped; & so their fault was lesse then the fault of such would be, who have now seen this evill reformed & have seen (or at least might have seen) the evill of it, & have been called orderly & duely conforme to the way of Election set down in the new testament, for imitation; how great should the guilt of such be, if they should now againe lick up that vomite, & submit unto that yoke? More may be said, for the justifying of those who submit unto a yoke, under which they were borne, & from which neither they, nor their forefathers were delivered, then of those who have been delivered & yet consent againe to goe under the yoke, & thereby do, betray the precious interests of Christ's Church, & with their own hands, wreeth that yoke about the neck of the Church under which she had been groaning many a year before.

It will be objected againe. That they have already the consent of the people, being called by them before; & so the Churches liberties are preserved, & their entry is valid enough. Ans. It is true, they have had the call of the people; but that will not make their complyance with this course of defection, the lesse sinfull; but rather the more; for by their taking presentations now, they do upon the matter declare that they were not duely called before; and so they condemne the way of entry by election, as not lawfull, & say that the way of entry by presentations from patrons, is the only lawfull way: for the patrons presentation is not cumulative unto, but privative & destructive of the peoples liberty of free election; because where patrons do presente, the peoples suffrages are never asked; & where people have power to elect, patrons have no place to present: so that the one destroyeth the other; & therefore if any who have been called by the people & freely chosen should now take presentations, it would import that in their judgment, they were never duely called till now, & this were to annull their former election which they had from the people.

Next (which was to them of greater moment) they could not with freedome of conscience, goe to the prelate & seek collation, for these reasones.

A. Be-

1. Because there is no warrand in all the word of God for any such thing, no command for it, no precedent, or example of it, & Christian Ministers must walke by the rule of the word: now the scripture sheweth no difference betwixt a *call* & a *mission*, but both are one *Rom.* 1: 1. *Luk.* 6: 13. *Act.* 15: 25. & their ministry being a work, 1 *Thes.* 5: 12, 13. 1 *Tim.* 5: 17, 1 *Cor.* 3: 6, 7, 8, 9, 10. 2 *Cor.* 6: 1. & they called *workmen*, *Mat.* 9: 37, 38. *stewards*, 1 *Cor.* 4: 1. *Wachmen*, *Ezek.* 3: 2. *Isa.* 52: 8. *Shepherds*, *Ephes.* 4: 11. *Overseers* & the like, *Tit.* 1: 5, 7. *Act.* 20: 28. *Heb.* 13: 17. *Act.* 15: 22. their very call conferreth the power & layeth an expresse obligation on them to performe the work, otherwise by their call & ordination they should only receive a disposition for the work. See much more to this purpose in *Voetij desperata causa papatus* against *Jansen*: the papist lib. 2. Sect. 2. Cap. 17.

2. By this meanes, they should have condemned themselves, as not being lawfull ministers before, or at least not such ministers, as might lawfully exerce the office of a minister.

3. They should in effect, have annulled the ordination which they had by the imposition of the hands of the presbytery; because by their deed they should have said, that notwithstanding of that ordination, they had no power, to exercise the office. & thus,

4. They should have mocked this ordinance of *Iesus Christ*, of solemne setting apart one for the work of the ministry, by saying in effect that it is but a meer blinde; for notwithstanding that one be solemnely ordained by the presbytery, according to the primitive paterne; yet the persone ordained must have his recourse unto another, in a superiour order, for liberty to put in exercise what he hath gotten *in potentia* or in *Actu signato*, the like whereof cannot be showne in all the scriptures: where read we that ever any who was ordained by a presbytery, might not exerce the office without a new license from some other? to what end serveth ordination if it be not for seting of one apart for the work? That office or power is a cyphre & altogether

uselesse which cannot be exercised, & is not like an office or power granted by *Iesus Christ*.

5. By this meanes, they should fully acknowlege the power & authority of prelates over presbyters, & so subscribe unto their jurisdiction & acknowledge them to be lawfull officers of Christ's house, & upon that account, submit unto them, which were poynt blancke contrary to their vow & Covenant.

It is objected against this by the author of *the seasonable case* pag. 15. That *the reverend persones instructed by law, to call for that promise from ministers, do not search into mens apprehensions concerning the grounds of their power: all they seek of them, is obedience to them, in things lawfull and honest, as being presently in power, being by law ordinary overseers of the ministry in their duties, and chief ordainers of them who enter into the ministery*, Ans. There is enough here to deterre any from this businesse for. 1. There is no warrand in the word to owne them as chief ordainers; there are no chief & inferiour ordainers mentioned in the word; this then must be a fiction & a humane invention, which no minister must acknowledge; for all must goe to the law, & to the testimony 2. nor is there any such power known to appertain to any man, to be an overseer of the ministry. It is true the spirit of the prophets is subject to the prophets; but there is no warrand for a Bishop over Bishops, or for such an officer as is to oversee the ministers: No officers must be owned in Christ's house but such as are of Christ's own appoyntment. 3. And any other law cannot be owned in those matters. Though the law of the land should give to any such a power, subjects are not for that, obliged to acknowledge & approve of them, as such: The municipall lawes of a land will not warrand any new office or officer in Christ's house. It appertaineth alone to Christ as King & head of his owne house & Church to institute his officers: And it is a fearfull incroaching upon the privileges of the crowne of Christ, for any state or potentate to take upon them to appoynt such offices & officers, as Christ hath not appoynted. Therefore whether those persones (reverend or irreverend all is one) that are so intrusted by law, to call for such promises & engadgments,

do

do search into mens apprehensions, concerning the grounds of their power, or not; yet the very promiseing of obedience in things lawfull (for in things unlawfull, obedience must not be promised to any lawfull power under heaven) is an acknowledgment of the lawfulnesse of their power, & of subjection as due unto them, & an owneing of them as lawfull officers, lawfully installed & authorized, & because this could not be done, therefore neither could the other be done.

He replyeth. 1. *It is not obedience under a reduplication, and as formally obedience, they call for, If it be obedience materiall they are satisfied* Ans. And what more doth the most lawfull power under heaven ask do they search into the principles of mens doing such & such acts? do they examine the reduplications under which they act? But. 2. Whether they call for it under that reduplication or not, It is reall obedience they call for, and. 3. The promiseing of obedience, under whatsoever reduplication hath in its bosome, an acknowledging of the lawfulnesse of the authority calling for such obedience.

He replyeth. 2. *Suppose it were so, that obedience as formally obedience were required; yet it were hard to say, it could not be promised, or that it could not be acknowledged that they have any lawfull authority, for looking upon them as the Kings Maj. commissioners in causes ecclesiastick, for regulating the externall order of the Church in their severall bounds, and impowered by the law of the land, so to do, the strickest presbyterians will not finde ground to disowne their office in that consideration* Ans. Then. 1. Prelats are nothing else but the Magistrats commissioners, & have no power or authority *jure divino* by any warrant of Gods law, more then any other of the Magistrat's commissioners. 2. whence had the prelats, in the first three hundered yeers (if so be there was any such, as this author is bold enough to affirme but faileth in his undertaking to prove it) their commission? had they it from *Nero*, & the rest of the persecuting heathenish Emperours? and if they had no commission from them, whence had they their power? or by what commission did they act? or how could they be Bishops without

out such a commission? How will this advocat extricate himself out of these difficulties & evite a contradiction? But: 3. If they be the Magistrat's commissioners in causes ecclesiasticke their power must reach no further then the Magistrats power doth, in Church causes, viz the πὶ ἐξω or his externall order. If he streach it no furder. How then cometh it to passe that they meddle with more then what concernet'h the πὶ ἐξω or will he say that all the causes which prelats as prelats meddle with, are but such ecclesiasticke causes As are for the regulating the externall order of the Church? Then he must say that their chief power in ordination, their chief (if not, only) power in jurisdiction, floweth from the Magistrat, & by vertue of his commission they act in that sphære & capacity: and if he say so he speaketh plainely, but without any ground in the word: for then Magistrats might ordaine alone, at least have a chief hand in ordaineing with others; for what they may commissionate others to do in their name, they may do themselves: But how or what way shall we see this proved? Where will he shew any example of any Magistrat, as such, ordaineing or deposeing Ministers, censureing or excommunicating Offenders, since the World began? What a wilde notion must this be then? And if this be the *Basis* which is so rotten let any judge what the superstructure must be. It were tedious here to lanch forth into this debate concerning the Magistrats power in Church matters: But sure, it was never the doctrine of the Church of *Scotland*, nor of any reformed Church, that what power the Prelats challenge to themselves as such, did primarily belong unto, & reside in the hand of the civill Magistrat, & might be derived by commission from him, unto them: And this must be granted as a truth, if it be once said that prelats Act in Church matters, by vertue of a commission from the supreme Magistrat: for a commission is distinct from a command, the supreme Magistrat may command ministers to preach & baptize & do what himself cannot do, & for the doing whereof ministers borrow no power from him: but he cannot propperly give them any commission for that effect: The giving of a commission importeth the conveyance of a power, for effectuating that which is to be

be done by the commissioner, and that the person granting the commission might himself do that which he commissionateth others to do. See this consequence fully cleared by famous *Voetius Polit: Eccles.* pag. 146. arg. 12. But now if there were no more to hinder any from acknowledging such a power in the prelats this is sufficient, that it is granted they have all that power over presbyters by being his Maj. commissioners, & that they have all that power derived from him; & consequently, that they have no such power at all: because he from whom they derive that power by a commission hath no such power himself: The confession of faith of the Church of *Scotland* acknowledgeth no such power in the civill Magistrat. The scriptures, by which all are to regulat their actions in the Church of God, giveth warrand for no such power. No reformed divine (except Arminians & Erastians) doth acknowledge any such power; nor any confession of faith of any of the reformed Churches. Behold then Reader & see what monsters the Prelats are, swollen up to that bigness, with mere winde & phancies; & observe by what art they ascend, They make the supreme Magistrat beleeve that all the power belongeth unto him to the end, he may devolve it back againe over on them by a commission, & so authorize them: according to that. *Tu facis hunc dominum te facit ille deum.* Thus you see they derive their power *a non-habente potestatem.* from such as have it not to give: therefore their commission is *simpliciter* null, & cannot be acknowledged by any faithfull minister or Christian: Nor can their power be submitted unto. And hence also it is clear what reason these honest Ministers had to refuise, this acknowlegment, & not to take the canonicall oath: which was so contradictory unto the oath of the Covenant.

But he replyeth [*That there is no contradiction betwixt the covenant and that canonicall oath, or promise of obedience to the prelate because* Timorcus *(who is tender in the matter of oaths) maintaineth that the ministers who of old took the canonical oath, did not swear the contradictory there to when they took the covenant whence it will follow necessaryly, that they who have taken the Covenant do not contradict that oath, if they should take the oath of*

canonicall

canonical obedience] Anſ. Though this canonicall oath should not contradict the ſecond article of the league & Covenant, yet there is good cauſe why it should be refuiſed, as hath been showne, and furder what warrand is there for any to require ſuch an oath? Oaths muſt be warranted by the law of God, & there muſt be a law for impoſeing, & ſo for taking of the oath. It is true Magiſtrats may impoſe an oath upon their ſubjects, & ſo upon miniſters, as well as others, in things not ſinfull; & when neceſſity calleth for it; but that the Magiſtrat may give unto any of his ſubjects ſuch a power as he hath not himſelf, & impower that ſubject to impoſe an oath upon others, to acknowledge him to be lawfully ſo impowered, & to obey him as one lawfully ſo impowered, will not be ſo eaſily granted without proof, which will not be ſeen in haſte, it being ſo contrary to the word of God. But 2. The taking of this oath, & promiſeing obedience unto them, is poynt blancke contrary unto the league & Covenant, ſworne & ſubſcribed. And that becauſe by the covenant they are ſworne to endeavour, in their places & callings the extirpation of ſuch Church officers as *Biſhops* & *Archbiſhops*, & this is inconſiſtent with any owneing or acknowledging of them, under that nation; and if any should promiſe obedience to them as *Archbiſhops*, or *Biſhops* is it imaginable how that withall they should not owne & acknowledge them? what more owneing & acknowledging can they deſire, then ſubmiſſion & a promiſe of obedience in all things lawfull. 2. And he hath a phancy (I shall not ſay a judgment) ſtrongly prepoſſeſſed with prejudice at truth, who can ſay, with this author that [*it will be hard to finde out a contradiction there, either in termes or by neceſſarie conſequence*] for a ſtronger contradiction is hardly imaginable then betwixt an edeavour to extirpat ſuch or ſuch governours; and a humble ſubmiſſion unto, & acknowledgment of their power, with a promiſe of faithfull obedience there unto: for he who is bound to endeavour to extirpat them, muſt never owne them as lawfull officers lawfully impowered, he muſt never ſubmit unto them nor promiſe obedience unto them; for a promiſe of obedience, is a promiſe of owneing of them, as awfull officers, & ſo a promiſe of defending them in their place & power

& power, in a lawfull manner: and this is diametrically opposite unto an endeavour to extirpat them. 3. As for *Timorous* whom he looketh on as favouring his conceite, it will be found after tryall, that notwithstanding of that which he granteth, yet he is of an opinion contrary to this author, as any may see, who will take a view of his answer unto that part of the objection (which he is about to answere in cap. 7.) which concerneth the oath of canonicall obedience. The objection is this. The league & covenant is contradictory to other oaths sworne before, such as the oath of canonicall obedience, & therefore is void *ipso facto*. To which he answereth. 1. Thus *suppose* (& his supposall is an assertion if he speak to the poynt) *That upon mature deliberation the Ministers that subscribed that oath, finde that it was an unlawfull oath, as obliging them to the acknowledgment of such a power in the Church, as is by no meanes allowed, in the word of God, they are in such a case onely obliged to be humbled for their rash subscription, & taking of that oath, & their second oath will hold valid against them*] this is his first answer: And. 2. He sayeth [*suppose that the oath of canonicall obedience, was imposed without authority of Parliament & the Parliament, as soon, as they took notice of it, declared their dissent to it, & to all oathes imposed without their authority, certanely this should goe farr with them who make the like plea against us, as to the obligation of the covenant.*] This is his next answer, by which you may see, he looketh upon that oath of canonicall obedience, as peccant both in matter & forme, & that therefore it hath no force to annull the oath of the covenant, which were to no purpose if he looked not on that oath, as contradictory to the covenant. But then 3 he answereth [*We will for once suppose the oath materially good & lawfull, as to the efficient cause, yet certainly the oath is irritated & made void by the Parliaments taking away of the matter thereof*] Here he giveth, but granteth not, that the oath of canonicall obedience was lawfull, & yet he asserteth that notwithstanding thereof, the covenant might have been sworne & stood to, because the former oath was null, so soon ever as the matter of it was taken away by authority, & that sayeth that

the

the matter of that oath standing viz prelay, & prelats not taken away by authority, the swearing of obedience unto them is inconsistent with swearing to endeavour to extirpate them. It is true he addeth these words. *Nor do we understand how any person, by a promise or oath to be obedient in things lawfull & honest, to this or that governement, doth oblige himself whatever evill he seeth in such a governour, either through want of just title, or male administration of his trust never to endeavour to free himself from that servitude.* But thence it will not necessarily follow, that they who have sworne the covenant should not contradict the same if they shou'd now take the oath of canonicall obedience. Because, the oath to endeavour to extirpat, includeth a not giving obedience unto them, as a generall includeth a particular, so that he who hath sworne to endeavour their extirpation, hath sworne withall never to obey them as lawfull governours: And so there is a contradiction betwixt the canonicall oath, & the covenant. The Covenant bindeth up such as have taken it, from the canonicall oath, though the canonicall oath could not binde up their hands from the covenant, partly because it was sinfull upon the matter, & unlawfull as to the power imposeing: & partly because though it had been lawfull both as to matter & efficient cause yet the matter being taken away, the act about that object did cease. So sayeth *Timorcus.* But whether it be so, or otherwise, it is all one now to the purpose in hand; for the covenant being now taken, any such oath which had been un lawfull before becometh much more un lawfull now; & carryeth a contradiction to the covenant in its front.

Thus thou seest what cause the precious & worthy servants of Christ had to refuise obedience unto that act what ever suffering might follow thereupon, & indeed sore were the sufferings which did follow, for on the first of *Octob.* there is an act of counceell at *Glasgow, prohibiting & dischargeing all these ministers who had contraveened the foresaid act of parliament to exerce any part of the function of the ministery at their respective churches in*

time

time comeing, which are hereby declared to be vacand, and that none of their parishoners, who are lyable in any part of their stipends make payment to them of this instant crop & year 1662. *or in time comeing, as having no right thereto, and that they do not acknowledge them for their lawfull pastours in repaireing to their sermones, under the paine of being punished as frequenters of private conventicles & meetings; & commanding & chargeing the saids Ministers to remove themselves, & their families out of their parishes betuixt & the first day of Novemb. thereafter, & not to reside within the bounds of their respective presbyteries*] This was very sad, threatening no lesse then ruine to Ministers and their poor families, to be put from their houses in the middest of winter, to seek new places of abode not having the small stipend which was due to them, allowed, for to transport their families with all, or to provide themselves in necessaries. But yet they resolved to cast themselves on Gods providence, trusting in his word accounting it better to suffer affliction with the people of God, & to enjoy peace of conscience; then to enjoy the pleasures of sin for a season; and accordingly did remove themselves: By which meanes there were some hundereds of parishes left destitute & the shipherds were scattered up & down the land, seeking a sheltering place for themselves. It was a sad & lamentable sight to see the sad farewell betwixt the loving pastor & his beloved floke, & the teares, the cryes, and the bitter groanes that were there: Now were the breasts pulled from the mouthes of the young infants, the table was drawne, & the people were made to wander up & downe the mountaines seeking the word of the Lord, & could not finde it, they had silent Sabbaths & empty pulpites, some countrey sides were hereby laid utterly desolate: And what could these faithfull Ministers do in this case, but sigh, & groan to God seeing they could not in conscience yeeld obedience unto these commands & therefore they resolved to be subject for conscience sake, and to submit unto the punishment of banishment out of the bounds of the presbytery where they lived (which was afterward made more sad, for they were commanded to remove Twenty miles from their own parish Church, Six miles from a cathe-

a cathedrall, & three or foure miles from a brugh) Now judge o reader whether this cruelty would not have more beseemed Turks, & how little cause there was for all this severity & rigour to Ministers, who had been endeavouring with some measure of faithfulnesse On their part, & fruitfulnesse through the Lor'ds blessing on their labours, to enlarge the Kingdome of *Iesus Christ*, & to build up poor souls in their most holy faith, because they would not give obedience unto such Acts as were but snares for the conscience; & to which, obedience could not be yeelded, without sin.

SECTION X.

The oath of Alleagiance explained as to its civil part, & some reasons Against the taking thereof, even upon that account, adduced. The act rescissory & his Maj. prerogative canvassed.

AFter that there were some other Ministers, whom the forementioned Acts did not reach, removed out of some of the chief cities *Brevi manu*, without any processe; There are some wayes devised how moe of these might be removed with some colour or pretext, & therefore some Six or Seven were called before the Parliament at their second session, and because they refused to take the oath which was tendered, they were sentenced with banishment by act of Parliament, & ordained to remove off the Kingdome so soon as his Maj. commissioner should signify his minde the reanent. But this sentence was not put in execution possibly because they saw an inconsistencie betuixt this deed, & an Act which they had made the former year in their first session, By which all such as refuised to take that oath, were to be *uncapable of any publicke truste, & to be looked upon as persones disaffected to his Maj, authority & government*, & this was all. But in *Decemb.* 1662. The privy councell called some

other

other Ministers before them & tendered the oath unto them & because of their refuiseing of the same, they banished them out of all his Maj. dominions & then gave them a bond to subscribe, wherein they did binde themselves to remove out of all his Maj. dominions within a moneth, & not to returne under the paine of death, otherwayes they would commit them to close imprisonment, & there keep them untill they had occasion, to send them elswhere. Whereupon these Ministers saw a necessity of subscribeing that bond of banishment; Though it was very hard to binde themselves to remove within so short a time, & that in the midst of winter. But strange it is, that when the King himself, by his oath at his coronation is bound to rule the land, by the lawes, and constitutions received therein This his conncell (which by the fundamentall lawes of the land (as appeareth by the 12 Act of the 2 parliam. of King *Iames* 4. whereby they are first established) is to give *his highnes a true and effauld counsell in all matters concerning his Maj. and his realme, and to be responsall and accusable to the King and his estates of their counsell*, & so is a judicatory subordinat unto the Parliament & accountable to & censurable by them) would banish such as the lawes of the land, did not account worthy of banishment: & whether they would do right if they should punish with death such a fault as by the Established lawes of the land deserved only to be punished by a fine or a summe of money, let lawyers judge, & whether this be not an arbitrary illegall power which they have assumed, any that considereth what is said, & the act 27. of the 2. Parliam. of *Char.* 1. may judge: & possibly it was for this cause that they refuised to give an extract of their sentence, although it was humbly craved.

But to clear what good grounds there were & yet are for refuiseing to take that oath. Let first the oath it selfbe considered & compared with the former oath of alleagiance. The oath now tendered is thus worded in the acts of this Parliament severall times.

„I, for testification of my faithfull obedience to my most „gracious & redoubted soveraigne *Charles* King of Great„Britaine france & Irland, &c. affirme, testify, & declare,

„by this my solemne oath. That I acknowledge my said sove-
„raigne, only supreme governour of this Kingdom, over all
„persones, & in all causes, & that no forraigne prince, pow-
„er, or state, or person civill or ecclesiasticke, hath any
„jurisdiction, power, or superiority, over the same, and
„therefore do utterly renunce all forraigne power, jurisdictions
„& authorities, & shall at my out most power defend, assist &
„maintaine his Maj. jurisdiction foresaid against all deadly
„& shall never decline his Maj. power & jurisdiction, as I
„shall answer to God.

This is the oath which they call the oath of alleagiance: but is indeed very far different therefrom as will easily appear to any who will compare the same with that oath of alleagiance, which King *Iames* treateth of in his dialogue called *God & the King* lately reprinted & published by his Maj. royall proclamation for the instruction of all his subjects, in their duty & alleagiance for thus is that oath worded.

„I, A. B. Do truely & sincerely acknowledge, pro-
„fesse, testifie & declare in my conscience, before God, &
„the world that our Soveraigne Lord *King Iames* is lawfull and
„rightfull King of this realme, & of all other his Maj. domi-
„nions, & countreyes, & that the *pope* neither of himself nor
„by any authority, by the Church & see of *Rome* or by any
„other meanes with any other, hath any power or authority
„to depose the King or to dispose of any of his Maj. dominions,
„or Kingdomes, or to authorize any forraigne prince to in-
„vade or annoy him or his countreyes, or to discharge any of
„his subjects, of their alleagiance & obedience to his Maj. or
„to give license or leave to any of them to' bear armes,
„raise tumults, or to offer any violence, or hurt to his Maj.
„royall person state or government: or to any of his Maj. sub-
„jects, within his Maj dominions.

„Also I do swear from my heart, that notwithstanding any
„declaration or sentence of excommunication or deprivation
„made or granted, or to be made or granted, by the *pope*
„or his successours, or by any authority derived or pre-
„tended to be derived, from him or his see, against the
„said

„ said King, his aires or succeſſours, or any abſolution of the
„ saids ſubjects from their obedience: I will bear faith & true
„ alleagiance to his Maj. his aires & ſucceſſours, & him &
„ them will defend to the uttermoſt of my power, againſt all
„ conſpiracies & attempts whatſoever, which shall be made a-
„ gainſt his or their perſones, their crowne & dignity, by rea-
„ ſone, or colour of any ſuch ſentence, & declaration, or
„ otherwiſe; & will do my beſt endeavour, to diſcloſe & make
„ known, unto his Maj. his aires & ſucceſſours, all treaſons, or
„ treitours, or conſpiracies, which I shall know or hear of to
„ be againſt him or any of them. And I do furder ſwear that
„ I do from my heart abhore, deteſt, & abjure as impious &
„ hereticall this damnable doctrine, & poſition. That princes
„ which be excommunicated or deprived, by the *pope* may be
„ depoſed, or murdered by their ſubjects or any other what-
„ ſomever. And I do beleeve, & in conſcience am reſolved.
„ That neither the Pope, nor any perſon what ſomever, hath
„ power to abſolve me of this oath, or any part thereof, which
„ I acknowledge, by good & lawfull authority, to be lawful-
„ ly Miniſtered unto me. And do renunce all pardons & diſ-
„ penſations to the contray. And all theſe things I do plane-
„ ly & ſincerely acknowledge, & ſwear according to theſe
„ expreſſe words, by me ſpoken, & according to the plaine &
„ common ſenſe & underſtanding of the ſame words without
„ any equivocation or mentall evaſion, or ſecret reſervation
„ whatſoever. And I do make this recognition & acknowledg-
„ ment heartily, willingly, & truely upon the true faith of a
„ Chriſtian. So help me God.

This is the oath of alleagiance & how far it differeth from the former which was lately tendered, is eaſily diſcerned. Theſe few words in the short oath [*only ſupreme governour in this Kingdome over all perſones, & in all cauſes*] containe the main difference betwixt the two, & the main grounds of ſcruple; for they hold forth two things. The King's ſupremacy in matters civill, & his ſupremacy in matters eccleſiaſticke.

It is true Miniſters ought both to be (& to carry duti fully as becometh) ſubjects, & to refuiſe nothing lawfull, which is

required of subjects: but oathes, being matters about which much tenderneſſe & carefulneſſe ought to be uſed, it becometh Miniſters to look well to this & not to engadge in any oath rashly: Adviſement & deliberation is moſt requiſite here, eſpecially in a time when ſnares abound, & when there is good ground to ſuppoſe, that the oath is tendered of purpoſe to be a ſnare to the conſcience.

The oath as to it is ſubſtance, or maine thing intended, (which lyeth wrapped up in thoſe few words laſt cited,) is not, (as is obvious to any) ſo clear as oaths ought to be; yea the impoſers themſelves will not deny this; but are forced to acknowledge, that as it is worded, in reſpect of that part thereof, which is onely ſcrupled at, & which containeth the ſubſtance & maine thing intended, it is at beſt ambiguous, & generall: & for this cauſe (if there were no more) every Chriſtian ought to forbear to ſwear the ſame: And that becauſe, every oath muſt be ſworne *in truth*, *in judgment*, *& in righteouſneſſe Ier.* 4: 2. but an unclear & ambiguous oath cannot be ſworne in truth, becauſe it hath no truth in it; for what is ambiguous is not true, as doctor. *Sanderſon* ſayeth *de jur: promis: oblig. præl. 6.* §. 10. *a propoſition of an ambiguous & indefinite ſenſe, before the matter be diſtinguished, is not a true propoſition, yea nor a propoſition at all, for a propoſition, as its definition cleareth, ſhould ſignify either a truth or a falſhood, without any ambiguity* And therefore this propoſition that *the King is onely ſupreme governour over all perſones, & in all cauſes* being ambiguous till it be clared by ſome diſtinctions, cannot be ſworne, in truth, becauſe the truth thereof cannot be known: Nor can it be ſworne in righteouſneſſe, becauſe ſuch as ſwear it cannot be ſure but that in taking that oath, they may be wronging others, wronging Parliaments, & which is worſe, wronging the *Lord Ieſus Chriſt*, who is King & head of his Church. Nor can it be ſworne in judgment, becauſe its meaning cannot be known.

But now ſeing the oath, in reſpect of its ſubſtantiall part as it is now worded is ambiguous & unclear, reaſon would require that the tenderers thereof ſhould explaine the meaning thereof

&

& make it as clear as may be: But when this is refuised what can such do who are pressed to take that oath; but refuise the same; partly becauſe of its ambiguity, & partly becauſe, by the ſenſe, which by their other Acts & Actings, they who tender it, do put upon it, it appeareth to to be moſt unlawful: all divines & caſuiſts do grant that an oath muſt be taken in his ſenſe & meaning in whoſe favours & for whoſe ſake & faifty it is conceived & who tendereth it: And therefore it is not only lawfull but neceſſary to enquire what ſenſe the Acts & Actings of the Parliament, do put upon it.

And as to the civill part of the oath (which here is to be examined) no other explication needeth to be enquired after then what they give forth in their Acts on record; all which to cite here, at length, would be tedious. The citeing of the acknowſedgement of his Maj. prorogative, (which is a part of the 11 Act, *Anno* 1661. & where the ſubſtance of many preceeding Acts is ſummed up) will be a ſufficient evidence, and here it is declared. „That it is an inherent privilege of the „crown, & an undowbted part of the royall prerogative of the „Kings of this Kingdome, to have the ſole choice & appoynt„ment of the officers of ſtate, privy councellours, the Lords „of the Seſſion; That the power of calling, holding, and „diſſolving of Parliaments, & all conventions, & meetings „of the eſtates, doth ſolely reſide in the Kings Maj. his haires „& ſucceſſours, & that as no Parliament can be lawfully keep„ed, without ſpeciall warrand & preſence of the Kings Maj. „or his commiſſioner; ſo no Acts nor ſtatutes to be paſt in any „Parliament can be binding on the people, or have the autho„rity & force of lawes without the ſpeciall, approbation of his „Maj, or his commiſſioner interponed thereto, at the making „thereof; that the power of armes, making of peace & warre, „& making of treatjes & leagues, with forraigne princes or „ſtates, or at home by the ſubjects among themſelves, doth „propperly reſide in the Kings Maj. his heirs & ſucceſſours; & „is their undowbted right, & theirs alone; & that it is high „treaſon in the ſubjects of this Kingdome, or any number of „them, upon what ſoever ground to riſe or continue in armes,

„ to maintaine any forts, garisons, or strengths, to make peace „ or warre, or to make any treaties or leagues with forraigners, „ or among themselves, without his Maj. authority first in- „ terponed thereto. That it is unlawfull to the subjects of „ whatsoever quality or function, to convocat, conveen, or „ assemble themselves, for holding of Councells, conventi- „ ons, & assemblies to treat consult & determine in any mat- „ ters of state, civill or ecclesiasticke (except in the ordinary „ judgments) or to make leagues or bonds upon whatsoever „ colour or pretence without his Maj. speciall consent & appro- „ bation had thereunto. That the league & covenant and all „ treaties following there upon, & Acts or deeds, that do or „ may relate thereunto are not obligatory; —— & that none „ of his Maj. subjects should presume, upon any pretext „ of any authority whatsoever, to require the renewing or „ swearing of the said league & Covenant, or of any other Co- „ venants, or publick oaths concerning the government of „ the Church & Kingdome, and that none offer to renew or „ swear the same, without his Maj. speciall warrand and ap- „ probation.

This acknowledgment doth sufficiently clear what that supremacy in civil matters is, which they grant unto the King as his due, & which by this oath, they would have all to acknowledge also: So that there is no great difficulty to clear the grounds of scrupleing at this oath even upon this account, & to shew that such as have refuised the same cannot be accounted disloyall: for all indifferent persones will see that there both was, and is good ground to scruple at this oath thus sensed by this act, if they shall consider these ten Particulars following,

1. The Parliaments of *Scotland* from the beginning have been partakers & fellowsharers of supremacy, with the King: & the Kings of *Scotland* never were the sole subjects thereof as appeareth by their appending of their own seal with, & distinct from the King's great seal, in treaties with forraigne princes & in some important acts & sentences at home, of which there is

one

one instance yet on record in the acts of Parliament viz: act 112. Parl. 14. King. *Iam.* 3.

2. The Parliaments of *Scotland* have had the power of setling the governement: for they did willingly swear to *Fergus* and his posterity: & and when he died & left two young sones *Ferlegus* & *Mainus* both unfit for governement they resolved upon a new course. That neither a childe should governe nor yet their oath which they made to *Fergus* be brocken, which was this. That when the Kings children were young at their fathers decease, some other of the posterity of *Fergus* fit for governing, should be chosen who should rule the Kingdom all his dayes (which law continued 1025. years untill the reigne of *Kenneth* the 3.) and accordingly when *Fergusius* died they chooseed *Feritharis*, & when *Ferlegus* came to age, he desired to be put in possession of the Kingdome, but it was refuised, so long as *Feritharis* lived. And when *Cotbredus* died they passed by his sone *Cotbred* & made choice of *Dardanus* the grand childe of *Metellan*, & thus did they alwayes unto the dayes of *Kenneth* the 3. [*E propinquis* (sayeth *Buchanan in vita Kennethi*] *Regum defunctorum, non proximos sed maxime idoneos, modo a Fergusio primo Scotorum rege essent oriundi; eligere consueverant*] And who but they, did condescend to that law at length that the Kings eldest son should be called prince & should succeed, & if the son died before the father, then the grand childe should succeed unto the grand father, & that if the King died leaving a young childe to be heire of the crowne a regent should be chose to mannage the affairs of the Kingdome dureing his minority, till he were 14. years of age at which time he might choise his curatours: was there ever any such thing concluded without the Parliaments consent?

3. The Parliaments of *Scotland* have had a great share of the legislative power. Therefore the lawes are stiled the *acts of Parliament*, & not *the acts of the King*, & they are said to be *enacted by the Estates of Parliament*. So do the many explicatory acts witnesse that they share in the supreme power of interpreting the lawes of the land, which demonstrateth their legislative power and both these are no small part of supremacy.

4. In the time of Finnanus the 10 King there was a law made [*Ne quid reges, quod majoris esset momenti nisi de publicè concilij authoritate, juberent, that Kings should command nothing in matters of any moment but according to the authority and command of Parliament.*] And so when *Milcolumbus* the 92. King was giving away, for peace with *England*, *Northum Berland* the Estates were against it denying [*jus esse regi quicquam de finibus regni detrahere, nisi omnibus ordinibus consentientibus. That the King had any power to give away any part of his dominions without the consent of all the Estates of Parliament.*

5. The Parliaments of *Scotland* have regulated the actions of princes & have censured & punished them for enormities: let the lives of *Thereus*, *Durstus*, *Ethus*, *Luctatus*, *Mogaldus*, *Conarus*, *Constantin*, *Ferchardus*, 1. *Ferchardus*, 2. *Eugenius*, *Donaldus*, 8. *Culenus*, & others recorded by *Buchanan* in his chronicles be seen, & considered, & the power of the Parliaments of Scotland over their princes will easily appear. So at that Parliament in which King *James* the 6. was created King, & the Earle of *Murray* setled in the regency, it was debated what course should be taken with the Queen concerning whose accesse unto her husbands death there were such shreud toakens. And some voted that justice should be executed upon her, and others that she should only be keeped in prisone: see *Buchan*, lib. 19.

6. The Parliaments of *Scotland* have had expresse power in some cases to withstand & resist even by armes, the King, if he should break treaties of peace, made & concluded by him & them, with forraigne princes & states; as is yet to be seen extant in the records of their old treaties of peace with *England* and *France*.

7. The Estates of *Scotland* wrote unto the Queen *An.* 1559. *Oct.* 23. thus *Ex literis tuis ac mandatis*, &c. [*Buch*, lib. 16. that is [*By your letters & mandats sent us by a herald we understand how obstinatly you are set against piety towards God, and the publick good of our nation, & the common liberty of all. But that we may, according to our duty, defend all these. We in the name of our Kings do suspend & prohibite all that publicke ad-*

edmininistration titles and superiorites, which you take upon you being certanely persuaded that those things which you now do, are contrary to that constant good will which Kings have carryed towards the welfare of this Kingdome: And as you do not look upon us as lawfull subjects of this Kingdome, and as a lawfull Parliament; So nor do we look upon you as regent or as exercising any publick Magistracy: Especially, seing your power (if there be any such committed unto you) is upon good & weighty reasons suspended by us, in the name of the Kings of this realme. So *Anno* 1567. they put the queen regent mother to King *Iames* from her regency which deed of theirs is fully vindicated by the earle of *Morton* in his discourse to the Queen of *England*, a part whereof out of *Buch*: Lib. 20. because usefull both for clearing of this particular, & some others before mentioned shall be here transcribed. „*Primum Factum ipsum*, *&c.* As for the „deed it self of punishing Kings or queens: The ancient „custome of our predecessours, will not suffer it to be accounted new, for it were not necessary to enumerat how many „Kings have been punished by death, bonds, & exile by our „nobles, far lesse were it necessary to confirme this deed of „ours by forraigne examples, seing there are so many, so obvious „in ancient histories. Bnt now the nation of the Scots have „been a free nation from the begining, & have made Kings „to themselves upon these conditions, that when necessity required they might dethrone them, of which there are many „footsteps remaineing fresh unto this day, for in the isles about „& in many places of the continent in which the old language „& lawes had any abode, this custome is followed in the choose„ing of their governours, to this day: And the ceremonies „used at the coronation of Kings, do clearly demonstrat that „the goverment is nothing else but a mutuall stipulation „betuixt King & subjects as also the constant tenor of the an„cient law by which Kings were inaugurated, which remain„eth unchanged in the least, to this day: yea while so many „of our Kings have been banished, imprisoned, or more „severely punished, there was never one motion made of relax„ing the rigour of the law; & what wonder, seing it was not of

„the

„ the nature of those lawes that change with the time; but of
„ those which are fixed in the heart of man by nature & consent-
„ ed unto by all nations, & which being subject to no other
„ lawes, do command & rule all, so that whether we will or
„ not, they are before our eyes, what ever we be doing & stick
„ in our heart. This law did our predecessours follow being
„ alwayes armed against violence, & ready to suppresse tyrants
„ But that I may passe in silence the famous cities of *Athens La-*
„ *cedæmon*, *Rome* & *Venice* which keeped this law so long as
„ they keeped their liberty: Yea even then when *Rome* was
„ under tyrants if any good man became emperour he did ac-
„ count it his glory to acknowledg himself inferiour to the
„ people & subject to the lawes for when *Trajanus* gave a sword,
„ according to the custome, unto the *præfectus urbis*, he said
„ *use it for me or against me, as I shall deserve*: and *Theodosius*,
„ a good emperour in these worst times would leave this noble
„ saying among the lawes, that *he confessed he was under the*
„ *lawes*. Neither was this law unknown to barbarous nations
„ as all histories testify: But lest I should be thought to gather
„ together examples now out of use I shall onely make mention
„ of two later; the one is of *Christiern* the King of the *Dennes*
„ who for his intollerable cruelty was put from the King-
„ dome, he & all his posterity; which is a sadder punishment
„ then ever was inflicted by any of our progenitours --- what
„ did the mother of *Charles* the 5 that made her deserve perpe-
„ tuall imprisonment ——— & now what did we but following
„ the examples of so many nations & Kingdomes, suppresse
„ tyranny, which swelled above all law, not indeed so severely
„ as our predecessours did in like cases --for had we followed
„ their example we had been farr from, not onely the fear of
„ danger, but also, here calumnies. Thus he, & much
more is added to this purpose there. More over this same
Queen regent was told by the Earle of *Ruthven*, that same
night that *David Rizio* was killed as *Buch* reporteth lib. 17.
That the government of the Kings of Scotland was alwayes very lawfull & that it was exerced not after the lust & pleasure of any one man, but according to the lawes, & by the consent of the nobles, and if

any

any King did otherwayes he suffered accordingly, and now Scottish men are not so farr degenerated from the institutions of their predecessours as to suffer the tyranny and slavery of one who is a stranger and whom they look not upon as deserving any honest service.

8. Yea in the 8 Parliament of King *Iames* 6. Act. 2. the honour & authority of the *Supreme court of Parliament, continowed past all memory of men, is ratified*, & there it is said. *That by the court of Parliament under God, the Kingdome hath been upholden, rebellious and traiterous subjects punished, the good and faithfull preserved and maintained, and the lawes and acts of Parliament (by which all good men are governed) are made and established -- and therefore they statute and ordaine that none take upon hand to impugne the dignity and authority, of the estates, or to seek or procure the innovation or diminution of their power or authority under the paine of treason.* It is true that in the preceeding Act, they confirme the Kings *Royall power and authority over all estates as well spiritual as temporal.* And therefore their maintaining of the power and privilege of Parliaments is the more remarkable: And by the two Acts compared togethether it is aboundantly clear that the authority mentioned, in the first Act of that Parliament, which is granted to the king, is not over the *Estates of Parliament*; but over *private persones whether civill* or *ecclesiastick*: And so it is but a granting of him to be *singulis major*, which will easily be granted: And this will be more clear if it be considered what occasioned that Act, at that time. As was shown above in the first Section, the Lord was stirring up his servants to act something for the setling of the government of the Church, which occasioned the displeasure of many at court, & when Ministers were freely rebuking sin in & about the court, they were accounted railers & traitours: And being accused of treason before the King & his Councill, They declined them as incompetent Judges. Upon this account in this houre of darkneſſe by the meanes of the *Earle of Arran*. This Parliament is suddenly called (wherby there were two Parliaments in one year 1584. the one meeting *May* 22. &

the

the other (which is called the ninth Parliament, as the former was called the eight) *Agust* 22. which granteth this supremacy to the King over persones ecclesiastick & (for formalities sake) civil, & therefore in the end of that act, it is declared to be treason to decline his Maj. or his Council in any case. So then the question was not betwixt the *King* & the *Parliament*: But betwixt the *King* or his *Councel*; & the *Church* in spirituall matters: It is true also that in the 1. Act of Parliament 18. *Anno* 1606. [*His Maj. soveraigne authority, Princely power, Royall prerogative, and privilege of his Crowne over all Estates, persones and causes whatsoever,*] is acknowledged: But this act is of the same nature with the former, no prerogative over & above the Estates of Parliament is acknowledged here to belong properly to the Crown: And moreover, these words are but faire flourishes & parliamentary complements. Finally the prerogative here spoken of is founded upon personal qualifications where with they say he was endued far beyond his predecessours such as, [*extraordinary graces, most rare and excellent vertues, singular judgment, forsight, Princely wisdome*] & the like, & these may be wanting in one possessing the crowne: & therefore it could not be the minde of the Parliament to give a supremacy founded upon such qualifications, to these who had not those qualifications, & so they could not annex it unto the Crowne.

9. Together with these particulars let this be considered. That in 3 Article of the league & Covenant, they did all swear [*Sincerly, really, and constantly, in their severall vocations to endeavour the preservation of the rights and privileges of the Parliaments*;] And then it shall appear that there was good ground of scrupleing at that oath, which as explained by their acts tendeth to the overturning of those rights & privileges: For none who desired to make conscience of the oath of the Covenant, might swear an oath so apparently opposite thereunto. It is true those questions concerning the power of Princes & Parliaments are dark & ticklish; & Ministers, not being lawyers by profession, can not be supposed to be well acquanted with the lawes, & constitutions of the realme; or with the nature,

cure, & extent of the same, in all points: Yet it concerneth them to see to this, that they run not themselves upon the rocks of contradictory oaths: And having sworne to endeavour in their places & callings, the preservation of the rights & priviledges of Parl. it concerneth them & all not alitle to search so far into the rights & privileges of Parl. as that they may know when an oath is tendered unto them which crosseth the same: & being once engadged in an oath, in a matter not sinfull, not to change, or to swear that which destroyeth & contradicteth the former oath. But leaving those things, & not laying more weight on them, then they will bear, other particulars more weighty & pressing must be spoken to: & therefore let it be considered,

10. What dreadfull consequences will follow upon the taking of this oath, thus explained, as to its civil part, by the forementioned act concerning the prerogative & other acts now to be mentioned, as

1. A condemning of the convention of Estates *Anno* 1643. conform to the *Act* 6. of this Parliament.

2. A condemning of the Parliaments, *Anno* 1640, 1641, 1644, 1645,, 1646, 1647, & 1648. conforme to their *Act* 15. as also the committees & Parliaments thereafter *Anno* 1649, & 1650, & 1651. conforme to their *Act* 9.

3. A condemning of all the Acts made by these Parliaments, conforme to their *Act* 3.

4. A condemning of all the meetings, Councells & Conventions of the subjects, at the beginning of the late work of Reformation, conforme to their 4 *Act*.

5. A condemning of the League & Covenant, conforme to their *Act* 7.

6. A condemning of *Scotlands* joyning with, & helping of *England*, in the day of their straite, conforme to their *Act* 7.

7. A condemning of the renueing of the Nationall Covenant *Anno* 1638, & 1639. conforme to the last words of the 11 *Act*.

8. A condemning of the Generall Assembly 1638. & severall others thereafter, conforme to their 4 *Act*.

9. A

9. A condemning of *Scotlands* riseing in armes in their own defence against the Popish, Prelaticall, & malignant Party, conforme to their 5 *Act*.

10. A condemning of their seizing upon forts & castles in their own defence, conforme to the said 5 *Act*.

Was there not then cause to scruple at the taking of this oath which would have imported a condemning of all those things? sure there was, as shall be showne in speaking to each of the particulars mentioned: Now it is clear that the taking of this oath, would have imported a condemning of all these particulars, from this: That the Parliament doth condemne all these mentioned particulars (as the acts specified do clear) because done without his Maj. consent, which ought (say they) to have been had by vertue of his prerogative royall and supremacy, & the perogative, doth explaine his supremacy in things civill, as shall be showne more fully hereafter.

But to come to the particulars, *first* There was no ground for condemning *that convention of Estates* 1643. notwithstanding that the Kings consent was not had therto. 1. Because, in poynt of conscience, the Estates of the land being essentially judges, are bound, when the publict affaires of the Kingdom do require to conveen & consult thereanent when Religion, lawes, & liberties are in hazard, & when the necessitie is such as will admit of no delay: pure legall formalities of state must be dispensed with, when they cannot be gotten followed; as in this case, it was clear: The true protestant religion, his Maj. honour & the peace of the Kingdomes, were in hazard by papists, & their adherents in armes in *England* & *Irland*. The King refused to call a Parliament, at that time, though he was oftin requested, there unto. In this case what could the states of the Land do (who were bound by the lawes of God of nature & of nations to see to the preservation of the Kingdom, to their own interests, & to religion that should be dearer to them, then any things else, & were bound by the law of God to judge & governe the land) but obey God, & dispense with state formalities, according to the many examples of the Estates of *Scotland* before; who did conveen in Parliament

whether

whether the King would or not; as that Parliament which did imprison *donald* the 70. King: & the Parliament at *Scone* which summoned King *Culenus* before them; & that Parliament which deprived the *Queen mother* of her regency. But to avoid tediousnesse let *Buchanans* Chronicle be perused, & many such like Parliaments shall be seen. 2. Who was it who summoned all those Parliaments which conveened for the election of new Kings & of viceroyes: as that which did choose *Notatus* the brother, & not *Ruther* the son of *Dornadilla* the 4. King: & that which did choise *Even* brother to *Durstus*, & not *Durstus* his sonne: & that which made *Dardan* King & not *Corbred's* son being under age: & that which make *Tetrasell* brother to *Conarus* King, and not *Ethodius* son to *Canorus* and many moe? Yea *Buchanan no stranger to the constitution* of the scottish Kingdome sheweth in his book [*de jure regni apud Scotos*] that the Parliaments of *Scotland* were summoned not only without the consent of their Kings, but against the same. What ground was there then for condemning of this convention at this nick of time when matters were in such hazard? Especially, 4. Seing the very next Parliament which conveened *Anno* 1644. by vertue of the last act of the Parliament *Anno* 1641. at which the King himself was present, did ratifie & approve that convention upon these grounds, as their 5. *act* beareth [*Considering that the Lords of his Maj. privy councell and Commissioners for conserving the articles of the treaty, having according to their interests and trusts committed to them, by his Maj. and Estates of Parliament; used all meanes by supplications, remonstrances, and sending of commissioners, for secureing the peace of this Kingdome and removing the unhappy distractions betwixt his Maj. and his subjects in England, in such a way as might serve most for his Maj. honour and good of both kingdomes; and their humble and dutifull endeavours for so good ends having proven so ineffectuall, & their offer of mediation and intercession being refuised by his Maj. And thereby finding the weight and difficulty of affaires, and the charge lying on them to be greater then they could bear: did therefore in the Moneth of May* 1643. *meet together with the commissioners for common burdens, that by joynt*

advice. Some resolution might be taken there in: and in respect of the danger imminent to the true protestant religion, his Maj: honour, and peace of these kingdomes, by the multitude of Papists, and their adherents, in armes in England and Irland; and of many other important and publike affaires which could not admit delay, and did require the advice of the representative body of the kingdome, appoynted and indicted a meeting, his Maj. having formerly refused their humble desires for a Parliament.

Secondly there was no ground for *annulling those Parliaments mentioned in the act rescissory*, and act 9. 1. Because in both those acts there is no mention made of any informality, which might justly either in law or conscience render these Parliaments null. Only there is mention made of their acts & deeds but these cannot in any manner of way annull their constitution for a Parliament may be a Parliament legally conveened, though it should establish iniquitie by a law: & if the ground which they have laid down in these two acts 15 & 9. for annulling of these Parliaments hold good, indifferent men will soon see that they have anulled their own constitution, & declared themselves no Parliament; for if their acts were compared, with the acts of these Parliaments which they have annulled, & examined either by the rule of God's word (which all Christian commonwealths & Parliaments should stir their course by) or by the fundamental lawes of the land, they would be found more worthy to be condemned. Sure succeeding ages need take no more, but the ground which themselves have laid downe here whereupon to declare this Parliament null. But 2. These Parliaments were all legally conveened & called; for the King called the Parliament 1639. & sent the *Earle* of *Traquare*, as his commissioner thither, which was adjourned to *Anno* 1640. then after some time, it was adjourned to *Anno* 1641. & at this Session of Parliament, the King himself was present, & so owned them as a lawfull Parliament being called by his command, & continued hither till, & ratifyed all their Acts, among which this was one viz. Act. 17. *Anno* 1640. *That every third year, once at least, there should be a full & free Parliament, & that the time & place*

should

should be appoynted by his Maj. or his commissioner for the time, & the Estates of Parliament, before the end, and closing of every Parliament. According to which Act King & Parliament did appoint the next Parliament to meet *Jun* 1644. & this Parliament is continued till *Jan.* 1645. thence till *March*, thence till *July* 1645. & from thence it is adjourned to *November* 1646. & then till *March* 1647. & at the close of this last Session of Parliament conforme to the forsaid Act 1640. They appoynted the next meeting of Parliament to be *Anno* 1648. This Parliament adjourned to *March* 1650. but with all, they give power to their committy or the *quorum* thereof to call the Parl. sooner if they saw necessity, accordingly it is convocated *An.* 1649. & at the time appointed it meeteth *An* 1650. & so adjourned to times convenient. So that there is no informality here at all discernable. If it be said that neither the King nor his commissioner was present at those Parl. & so this informality annulled all Ans. 1. The want of this formality cannot be the cause of annulling these Parl. or Sessions of Parl. because they annull the very Session of Parliament 1641. at which King *Charles* him self was present. 2. There is no law making the presence of the King or his Commissioner essential to every Parliament, far lesse, to every Session of a Parliament. 3. There have been many Parliaments holden in *Scotland*, without either king or Commissioner as in the dayes of King *Iames* 2. *Anno* 1437, & 1438, & 1440. where there is no mention made of the King in the Acts, as there is at the next Parliament 1443. but only of the [*three Estates of Parliament concluding and ordaining:*] So *Anno* 1560. there is a Parliament holden at *Edenburgh* by the three Estates without either *King* or *Queen* & an *Act* thereof ratified first Parliament King *Iames 6. Act* 2. So *Anno* 1567. the Parliament is keeped by the Regent & the three Estates, without the *Queen* who then did Reigne as the *Acts* of Parliament 1581. King *Iames 6.* shew; for there these words are to be found in the first Act thereof [*And especially the Act made in the Reigne of the Queen his dearest mother in the Parliament holden at Edinburgh the 19 of April, Anno* 1567.] Wherby it is aboundantly clear that she was then governing

when this Parl. did sit; & yet the Parliament was keeped without her, as the Acts shew. So in the dayes of *Queen Mary* the Acts of Parl. run in the name of the *Lord Governour & three Estates of Parl.* & this Governour was not representing the *Queen* as her Commissioner; because when she was present, as *Act* 1. *Parl.* 2. of *Queen Mary* both she & the Governour are mentioned thus. [*The which day the Queen's grace with advice of the Lord Governour & three Estates of Par.*] & moreover it is not usuall to have any Acts running in the name of a Commissioner; For where a Commissioner is present the King is supposed to be present, & therefore to this day, all the Acts of Parl. made were a commissioner is present (except such as are wholly concerning the King himself.) Run in the name of *our soveraigne Lord with advice & consent of his Estates of Parl.* but where neither King nor Commissioner is present, then the Acts run thus, *The Estates of Parl. enact*; &c. So that this *Stilus curiæ* being punctually observed to this day, confirmeth the observation concerning the fore mentioned parl. viz. That they were holden without *King* or *Queen*, when neither *King* nor *Queen* is mentioned in the Acts. 3. Is it not strange how they could annull the parl. 1648. among the rest; seing the Acts of that parl. were more homogenious with their own Acts, then the Acts of the rest: For the Acts of, & designe carryed on by, that parl. were no such injurious violation of his Maj. power & authority; nor were they Acts of rebellion as they suppose the Acts of the other parl. to have been: So that the ground upon which they rescinde the rest of these Parl. will not warrand them to rescinde this; & so it is not upon the ground of their Acts that they rescinde these parl. Because then they would not have rescinded this parl. 1648. What grounds then they will seek out next, who can tell? For all the grounds which they have hitherto to given, whether from their Acts & deeds or from informalities, through the want of the presence of the King or his Commissioner, are declared null & of no effect by themselves. 4. It is yet more strange how they could annul the Parl. 1648. When all the members of that parl. (some of whom no doubt were members of this) did *Jun.* 10. *declare and testify their resolution and obligation to acknowledge that Parliament to*

have

have been a free and lawfull Parliament, likeas they did oblige themselves, upon their honours and credit, and as they desired to be, & to be holden true lovers of their countrey, and of the religion lawes & liberties thereof effauldly & faithfully to the uttermost of their power to joyn and concurre with their persones and estates, every one according to their severall stations and callings, in the maintenance of the freedome and lawfulnesse of that Parliament, and they ordained that that Act should be subscribed by all the members of Parliament present and absent, and by all noblemen, Barons, and all other subjects inhabitants of the Kingdome in their shires and brughs. 5. It is yet more strange that this Parliament had so far forgot it self as to reckon up the Parliament, 1648. among the rest in the *Act rescissory*, when in their 9. *Act*, they had acknowledged it to have been a Parliament, for there when they are approveing the Engadgment, the all & onely busines which that Parliament 1648. was carrying on, they stile them *the estates of Parliament of this kingdome* which is a title agrying to none but to lawfull Parliaments. Thus it is clear that there is no ground warranding a consent unto these Acts rescissory, but good ground to scruple at that oath, the taking whereof would have imported a consenting unto the annuling of these Parliaments: considering 6. How King *Charles* the first, in the large treaty, in his answer to the first demand, sayeth that at the humble desire of his subjects he did call & conveen a Parliament to beholden at *Edinburgh*, *Iun.* 2. 1640. so that this Parliament was lawfully convocated & acknowledged to have been so by King *Charles* the first himself.

Thirdly nor is there ground for assenting & consenting unto *the annulling of those Acts done and concluded in these Parliaments* for 1. They are Acts made by Parliaments lawfully conveened 2. They are Acts not repugnant to the word of God; but Acts made, for the carrying on & advancing of the work of reformation (except those made by the Parliament 1648) which every one according to his place & power is sworne to maintaine & premove, & this the very vieuing of them will evince, how ever that whole work be now branded as rebellion & sedition; So that none could swear that oath as now tendered, &

by Acts explained, but withall he must condemne the whole work of reformation, & all Acts made for establishing of the same, in doctrine worshipe, discipline & governement 3. did not King *Charles* 1 in the large treaty give this answere unto the first demand. *That for as much as the King's Maj. at the humble desire of his subjects did call and conveen a Parliament to be holden at Edenbrugh Iun.* 2. 1640. *wherein certaine Acts were made, which Acts, his Maj. for the peace and good of this kingdome, is pleased to publish in his own name, with consent of the Estates, and therefore commands that the said Acts bearing date Iun.* 27. 1640. *be published with the Acts to be made in the next session of the same Parliament, and that all the saids Acts, as well of the precedent as of the next Session to be holden, have in all time coming the strength of lawes, and to be universally received and obeyed by all the subjects of the kingdome of Scotland. His Maj. doth in the word of a king promise the publishing of the saids acts, in such sort as is above specified?* And more over at that next Session of Parliament, *Anno* 1641. when himself was present all those Acts were approved & ratifyed fully: & did not King *Charles* 2, before & at his coronation, ratify & approve the Covenant, & all Acts made in order to the carrying on of the ends of the Covenant? So that now they are full & compleat lawes, wanting nothing, even of formality, which can be desired, seing he hath ratified & approved them all. 5. Are there not many of these Acts made by those Parliaments very much for the glory of God, & the good of the countrey? did not themselves see this, when, for shames cause they were forced to make some Acts of the same nature, for curbing of vice, since they would not be said to renew them; so that it were hard to put Christians to condemne those Acts, & laudable lawes 6. Is it not strange how they could condemne & make null & void all the Acts done by the committees & Parliaments after 1648. seing by this meanes they shall condemne all the applications which were made unto his Maj. while he was in *Holland*; & also they shall condemne the Kingdomes receiving of him, yea & their crowning of him, both as null & as done by a *Non-Parliament?* And thus they will

will have the King no crowned King of *Scotland*; & how deep this may draw let lawyers judge. It was never yet heard of that a King was crowned in *Scotland* but by a lawfull Parliament whose deed was valide; & if this deed of that Parliament was not valid let wise men conjecture what the consequences will be. It is true they except in their Act 9. *All such Acts as were passed in any meeting of Parliament or committee of Estates authorized by his Maj. presence.* But his Maj. presence will not make every company of men a Parliament; yea his being present with them at any of their Sessions sayeth he owned them as a lawfull Parliament. 2. How ever, all these Acts which concerne himself (seing he was not present at their making) are null. 3. How cometh it to passe that the Kings presence *Anno* 1641. did not availe to keep that session of Parliament from a stroke with the rest? And furder it appeareth that they annull the Parliament 1650, & 1651. altogether, because if that had been a Parliament it had been the first Parliament of King *Charles.* 2; & so the Parliament 1661. had been his second Parliament: But the Parliament 1661. is called his first Parliament, & therefore there was never a lawfull Parliament before, in his reigne, & thus by their principles he hath never been crowned in *Scotland* as yet: What a *Premunire* they fall into here, let lawyers judge?

Fourthly There was as little reason to condemne these *meetings counsels & conventions of the subjects* at the begining of the late work: Because those meetings were necessary for the defence of Religion, against the bloody Prelates, who were seeking the overthrow & destruction of all. 2. Nor is there any Act condemning such, which can with any colour be allaiged, except the Act of that Parliament 1584. wherein things were carryed on by a strong faction in great haste, for they had five Sessions in three dayes; & with great secrecy, for the Lords of the articles were sworne to secrecy; & the decrees were keeped closse all the time of Parliament. See laborious *Mr Petree* his *History pag.* 442; and the Act of this Parliament did mainely strick against the assemblies of the Church for that was the thing designed. 3. What ever can be made out of this Act against

civill meetings, it will not stricke againſt thoſe meetings, becauſe the Parliament 1640. in their Act 29. hath showne the true meaning thereof to be otherwiſe, ſaying. *It cannot be extended, againſt any councells conventions, aſſemblies, committees, or meetings, made holden & keeped by the ſubjects, for mantenance, and preſervation of the kings Maj. Religion, lawes, and liberties of the kingdome or for the publick good, either of Church or ſtate* & this Act was approved by the large treaty, & againe by the next Seſſion of Parl. *An.* 1641. where the King himſelf was preſent. 4. The ſecret councell which then was, did approve of theſe conventions or tables (as they were called) ſo did his Maj, commiſſioner thereafter. So then theſe meetings might be warrantably keeped, for God's glory, & the removeing of the juſt grievances of the ſubject being no wayes prohibited by the municipall lawes, which onely diſallow ſuch *conventions as are for diſturbance of the peace, or uſurpation againſt authority* neither of which can be allaiged here; for no invaſion, violence, offer of wrong by word, or deed, to any perſon, no not even to theſe againſt whom they had juſtly complained, followed thereupon: And thoſe meetings were onely to conſult upon the moſt fit & humble way of ſupplicating his Maj. & for the moſt convenient propoſitions to be preſented to his Maj. to the Parliament, & to the aſſembly; all which are moſt compatible with the loyalty, & duty of good ſubjects & do no wayes encroach upon authority, ſeing they aſſumed not *any judiciall determination, in any matter of ſtate civill or eccleſiaſticall, but by voluntary inſtructions, and opinions every one to another in a common cauſe of religion, did reſolve what might be moſt conduceable to their lawfull and juſt ends.* To uſe the words of the proteſtation, *Decemb.* 18. 1638.

Fiftly Nor is there juſt warrand & ground upon this account, to annull the *League & Covenant.* Becauſe 1. It was againſt no municipall law; for as to that 12 *Act* of the *Parl.* 10 of King *Iam.* 6. *Anno* 1585. it is ſo explained by the 29 *Act* of *Parl.* 1640. as that it cannot be *extended to any bands & leagues, made for the preſervation of the Kings Maj. Religion, lawes,*

lawes, & liberties of the Kingdome or for the publick good either of Church or state, and this may be furder cleared by viening the 43 Act of *Queen Mary*, which the forecited Act of King *Iames 6.* relateth unto, & ratifieth; for that Act is to be understood *of particular leagues or bonds of man-rent* (as they called it) *or maintenance respective*, & that by privat persones in brugh & land, & therefore cannot be understood of leagues or bonds, made by the body of the land, in their representatives in Parliament; which hath so much power in making of leagues, that without their consent the King cannot make a league, as is clear by a league which King *Robert 2.* consented unto betwixt *Scotland*, *France* & *England*, which was annulled because it wanted the Parliaments consent; for sayeth *Buch* in the end of his 9 book *neq; enim ipse pacem vel inducias facere poterat nisi ex sententiâ publici conventus, nec firmas polliceri sine publico decreto. He could neither make nor promise truce or peace without the Parliaments consent.* & in the Parliament, 10. King *Iam. 6. Anno* 1585. among the unprinted Acts there is one containing the assent of the Parliament, for concludeing of a league with the Queen of *England*. 2. The Parliaments of *Scotland* have made leagues with forraigne Princes without the Kings consent, as that Parliament which deposed the *Queen Mother* from her regency, did enter in a league with the *Queen of England*. 3. All leagues & bondes made by the Parliament were ratified by this King, by his solemne oath, both before & at his coronation; and therefore none in conscience could condemne these bonds, or take an oath importing the same. What is more allaidged against the *league & covenant* shall be fully examined hereafter, *Sect.* 21.

Sextly Nor was there just cause, upon this account, to condemne *Scotland* for aideing & assisting of *England* in their straite & extreame danger. Because. 1. It is a most ordinary thing for one nation to send help & relief unto another: thus the *french* & the *Englishes* helped the *Hollanders*. The *king of Britaine* offered to helpe the *Rotchell*, & the *Palatinat*. 2. It was against a common enemy, a popish prelaticall & malignant faction, seeking the

ruine of religion, lawes & liberties in *Scotland* as well as in *Engl.* By the light of nature, a common fear uniteth even these who are furthest divided; & so while *Scotland* fought for *England* they fought for themselves, & their own saiftie, & what ever law will warrand nations, now to joyn together against the *Turk*, will warrand *Scotland* their joyning with *England* against the common enemy: Yea nature hath taught heathens to prevent their own ruine & destruction by joyneing their forces with other nieghbours against one who designed nothing but the promoteing of his Empire. Thus the *Romans* warred against *Philip* lest *Greece* being subdued, he should make warre against them. Thus the *Lacedæmonians* warred against the *Olynthii* & diverse other instances might be given. 3. *Scotland* & *England* used to joyne together before, & to enter in a league with other princes, for the defence of the protestant religion as *Anno* 1586. & againe 1587. & 1588. they draw up a league among themselves. But it will be replyed that this was with the consent of the supreme Magistrat. Ans. True, but the want of this consent will not make such aideing and supplying unlawfull, so long as the law of nature is to the fore, obligeing every man to defend his neighbour: and are not *Scotland* & *England* near nieghbours, being in one Island, & under one King: Neither did they waite for the consent of *Scotlands* supreme Magistrat when they helped them first against the French & next against a faction of papists within their own bosome: and therefore *Scotland* should not now waite for the consent of *England's* King, when they were to help them against a popish and prelaticall faction. Nor needed *Scotland* waite for the consent of their own supreme Magistrat, becaus as the law of nature doth oblige every one to defend himself by force of armes, against an army of bloody enemies, though the King should not consent (as shall be showne hereafter) so the law of nature will warrand any to defend their brother, though the King should not consent especially seing therby they are but defending themselves, against such an enemy as would next fall on them. 4. The law of God will warrand this communion

of

of saints *Prov.* 24: 11, 12. & the commendable practice of those who helped David. 1. *Chron* 12: 18. 1. *Sam.* 22: 2.

Seventhly nor was there ground for condemning the *lands renewing of the nationall Covenant Anno* 1638. & 1639. Because. 1. There is no absolute necessitie for asking & obtaineing the Kings consent, to the same; as if a Kingdom once sworne & obliged in covenant with God, might not renew the same obligation, as oft as they thought fit. There is no such necessity of having his Maj. expresse consent & approbation, either to the first making, or to the renewing of the same with God (as shall be more fully showne hereafter.) There is no law of God for this. 2. Nor is there any municipall law inhibiteing the renewing of that covenant: Yea that warrand by which all the land took it at the first, viz the King's & his councell's command to Ministers, to put their parishoners to take it, & severall acts of Generall Assemblies, stand still in force: & accordingly in each universitie, the Covenant was renewed yearly. 3. Moreover the *Generall Assembly Anno* 1639. enjoyned by ecclesiastical authority the subscription of the same; & the Assembly presented a supplication unto the *privie Councell* desireing their ordinance for the subscription of the same, by all the subjects of the Kingdome, & this was granted Aguſt. 30. & *Anno* 1640. the *parliament* by their act 5. did ratifie the act of the *Generall Assembly*, their supplication, & the act of Councill thereupon; which act of Parliament was approved by the King in the large treaty, & thereafter by his personall presence at the next session of Parliament, where all was ratified. So that this deed of renewing the *Nationall Covenant* wanted nothing, either in poynt of law or conscience to make it lawfull & therefore it had been unlawfull to have taken such an oath, as would have imported the condemning of that deed.

Eightly nor was there ground for condemning the *Church Assemblies*, at which the King's commissioner was not present, or which wanted his speciall approbation. 1. Because there is no warrand in the word of God, clearing this necessity; but much to the contrary. 2, No munipiall law of the land is against such meetings, because the act 1584. Was taken away and-

& reſcinded *anno* 1592. & ſince that time there is no lawanulling all Aſſemblies which want his Maj. approbation & conſent. 3. It was never either the profeſſion or the practice of that Church, as is clear by what is ſaid *Sect.* 1. It will be a fitter place to ſpeak to this, when the eccleſiaſticke part of the oath is ſpoken to which ſhall be done *Sect.* 12.

SECTION. XI.

The former purpoſe further proſecuted & the lawfulneſs of Scotlands defenſive warre demonſtrated.

THere are other two Particulars (or rather one for they are much to one purpoſe) which virtually would have been condemned, by the taking of this oath thus explained, as to its civill part: viz *Scotland* their riſeing in armes in their owne defence againſt the King's armies of papiſts & malignants & their ſeizing on the caſtles, which within their owne boſome were threatening their ruine when garisoned with adverſaries. Theſe muſt now be ſpoken to, and ſo,

Ninthly, There is no ground to condemne that *defenſive warre.* Though much hath been ſaid by court paraſites, & others; who were ambitious of gaine & preferment, to exaggerat & aggraige that ſuppoſed crime, & thereby to make them & their cauſe, odious to all the World; yet rationall & indifferent perſones will after ſerious pondering of a few particulars, forbear to paſſe any rash ſentence. Much hath been already ſaid in the defence of that buſſineſſe, by the author of *Lex Rex*, & more then ever could or will be anſwered. And therefore that book behoved to be anſwered by a fiery fagot: & by *Mr Prins ſoveraigne power of Parliaments*, *&c.* a book publiſhed by authority of Parliament & never anſwered to this day: And therefore there will not be a neceſſity of inſiſting much

much on it here, only a short hint at some particulars, will suffice.

1. In point of conscience, it will be hard to prove that the power of warre resideth only in the King, & that he only beareth the sword: For 1. *Rom.* 13. The sword is given to all Magistrats; for the Apostle there speaketh of *heigher powers* indefinitely, in the plurall number, without specifying any kinde; & it is certaine *Rome* had not two or moe Kings at once: And if the Apostle had intended only *Nero*, he would have designed him in the singular number. He speaketh of *powers that are of God, & are ordained of God*, & this agreeth to Inferiour Magistrats, who are God's Deputies, & judge for him, as well as others, 2 *Chron* 19: *v.* 6, 7. *Deut.* 1: *v.* 16. *Numb.* 11: 16, 17. He speaketh of *Rulers* & this name agreeth to inferiour Magistrats, as may be seen, *Exod.* 18: *v.* 21, 22, 25, 26. & 16: 22. & 34: 31. 2 *King.* 10: 1. 1 *Chron.* 12: *v.* 14. & 26: 32. He speaketh of *such as must not be resisted but subjected unto*; & *Peter* sheweth who these are, 1 *Peter* 2: *v.* 13, 14. even *Governours under the King*, as well as the King himself. He speaketh of such as are *God's Ministers* which is a generall word, comprehending all civill Governours. He speaketh of all such, *to whom tribute, custome, honour, or fear is due*; & so he must take in all Magistrats, otherwise this text should not concerne commonwealths, which are ruled without a King. He speaketh of such as are *revengers by office to execute wrath on them that do evill*, & thus *are a terrour to evill doers, and a praise to such as do well*: And this agreth to all Magistrats, & therefore this place cannot be understood as speaking of any single person, or of *Nero* concerning whom it is a great question among lawyers, if, at this time, he had the heigheſt soveraigne power in the Roman State, as learned *Prin* sheweth in his *soveraigne power of Parliaments*, &c. *part.* 3. *pag.* 109, 110, 111, & 112. 2. Inferiour judges do judge for the Lord & are deputed of him, & therefore they are endued with power from him, for that effect, 2 *Chron.* 19: *v.* 6, 7. *Deut.* 1: 17. 3. Inferiour judges are commanded to rule well, & they are threatened & rebuked for mal-administration;

ſtration: See *Ier.* 5: *v.* 1. *Iſa.* 1: 17, 21. & 5: 7. & 10: 2. & 59: *v.* 14. *Ier.* 22: 3. *Ezek.* 18: 8. *Amos* 5: 7. *Micah* 3: 9. *Levit.* 19: *v.* 15. *Deut.* 17: 11. *Exod.* 32: 2. Now would God command thoſe inferiour Magiſtrats, to relieve the oppreſſed, to judge the fatherleſſe, to plead for the widow if they had not the power of the ſword, for this effect, or would he challenge them, for neglecting this duty, if they had not been impowered by him, for that effect? doubtleſſe not. So then if inferiour Magiſtrats be endued with power of the ſword, they ought to defend the fatherleſſe, the widow, & the oppreſſed ſubjects, by the help of the ſword, they ought to reſcue them from the hands of their oppreſſours: And therefore when Popiſh malignant enemies riſe up in armes, & ſeek to deſtroy the Land, Man, Wife, & Childe, the inferiour Magiſtrats, much more the Parliament, may lawfully draw the ſword, which God had given them, for the relief of the innocent, & defence of the countrey, of their lives, lands, goods Religion, & all that is dear to them, againſt malicious & open enemies.

2. *Buchanan*, a man well acquainted with the lawes & conſtitutions of *Scotland* in his Book, *De Iure Regni apud Scotos*, ſayeth that the Kings of *Scotland* had no power of peace or warre without the Parliaments conſent. So that a warre raiſed by the Parliament, againſt the common enemy, in defence of the Kings honour, the ſaifty of the people, & the purity of Religion, cannot be condemned, as unjuſt & illegall.

3. The renowned Hiſtorian *Buchanan* sheweth alſo that the Kings of *Scotland* have been oftintimes reſiſted by armes, which a few inſtances will evidence, when *Durſtus* the 11. King banished all his Fathers Friends, & became looſe & diſſolute, he was purſued by the Nobles, till he was forced to profeſſe his repentance, & promiſe amendement & afterward when he had cut off many of his Nobles by treachery, the reſt did riſe up in armes againſt him, & kill him in battel. So they roſe in armes againſt *Gillo* for his wickedneſſe, & againſt *Even* 13. who was a moſt vile & wicked man: So with one conſent they aroſe againſt *Dardan*, & ſlew his wicked ſervants who had been inſtruments of

much

much evill: They routed his forces & tooke himſelf priſoner. When *Mogaldus* grew odious by reaſon of his vices, they roſe up in armes againſt him. So did they levy forces againſt *Athirco*: when *Romach* had become cruell and had put many to death, they roſe in armes againſt him: when *Ferquard* 1. turned tyrant, he was ſummoned before a Parliament, & when he refuiſed to come, they levied forces againſt him, & purſued him, they ſtormed his caſtle, in which he thought to shelter himſelf & at length he was taken priſoner. So did they purpoſe to riſe in armes againſt *Ferquhard* 2. If they had not been diverted. Likewiſe when King *Iames* the 3. had been ſeduced by his evill courteours, & had plotted the murther of the nobles, they raiſed an army againſt him, & at length killed him. So did the nobles take up armes againſt *Bothwell* & the *Queen* & purſued her untill she rendered herſelf priſoner. The nobles wrote unto the queen regent, *Anno* 1560. for removing of the french forces & did adde (as *Buchan.* ſayeth Lib. 17) *Which tearmes if they be rejected we take God & men to witneſſe, that we take armes from no innate malice, or hatred; but ſore againſt our wills are forced to aſſay the laſt remedy, leaſt we ſhould expoſe our ſelves, our fortunes, and our poſterity, to the worſte of calamities* Hence it is clear that it was the common practice of the Parliaments of *Scotland* (and *lex currit cum praxi*) to riſe in armes againſt their Kings, when they turned tyrants: And therefore, the Parliament their late taking up of armes in their own ſinleſſe ſelf defence, can no wayes be condemned; let court ſycophants ſpeak what they pleaſe, to make that buſſineſſe odious, they both bewray their malice & ignorance of the fundamental conſtitution of that kingdome.

4. Though, for all that is ſaid, the Parliaments intereſt in warre should be queſtioned; yet their late defenſive warre may be juſtified upon clear & undenyable grounds, for there is no ſuch connexion betwixt theſe two, but they are rather two diſtinct queſtions, naturall ſinleſſe, ſelf defence, may belong to ſuch, as have not properly in ſtricke law, the power of warre.

5. The practice of other proteſtant princes & Magiſtrats sheweth that their practice was not ſo odde nor odious, as men

(who

(who have taught their tongues to speak lies) would make the world beleeve it was; for *Sleidan* lib. 8. & 21. & 22. & *Bilson* out of him, in his *difference*, &c. *part.* 3. *pag.* 274. sayeth that the *German princes* levied warre against the Emperour; viz. *the Duke of Saxon* the *Landgrave* of *Hesse*, & the Magistrats of *Magdeburgh* together with other Princes & cities, joyning in the warre who having had the advice & resolution of lawyers after mature deliberation did conclude. *That the lawes of the empire, permitted resistence of the Emperour in some cases: That the times were then so dangerous that the very force of conscience, & necessity did lead them to armes & to make a league to defend themselves, though Cæsar or any in his name, would make warr against them. and That if the Emperour had keeped his bonds & covenants; they would have done their dutyes, but because he made the first breach the fault was his; For since he attempteth, to root out religion, & subvert our liberties, he giveth us cause enough to resist him with a good conscience: The matter standing as it doth, we may (say they) resist, as may be shewed both by sacred & prophane histories. Vnjust violence is not Gods ordinance: Nether are we bound to him by any other reason then if he keep the conditions on which he was created emperour. By the lawes themselves it is provided that the superiour Magistrat, shall not enfringe the right of the inferiour, and if the supriour Magistrat, exceed the limits of his power, and command that which is wicked, not onely we need not obey him; but if he offer force, we may resist him.* Upon these grounds did those worthies resolve to defend themselves by armes. 2. Next they have the exemple & precedent of the protestants in *France*, who in the reigne of *Francis* 2. *Anno* 1559. being oppressed with the *Guisian* faction assembled themselves, & consulted lawyers & divines concerning resisting of the king in that case, & it was resolved *That they might lawfully oppose themselves against the government which the house of Guise had usurped, & when needfull, take armes to repulse their violence: If the princes, who in this case are borne magistrats, or some one of them would undertake it, being ordered by the states of the realme, or by the sounder part thereof.* See *Gen. history of France* pag. 682. 683. So *Anno* 1614. The

prince

prince of *Condee* with other princes, Peers, dukes, noblemen; & officers of the crown conveening at *Meziers*, wrote to the *Queen*, compleaning of diverse grievances, & wrongs, & sought remedy & redresse, by the assembly of the three estates, protesting that they desired nothing but peace and the good of the realme, & that they would attempte nothing to the contrary, unlesse by the rash resolution of their enemies (who covered themselves with the cloak of state, under the *Queen* regents authority) they should be provoked to repell the injuries done unto the King & state, by a naturall, just, and necessary defence: see the *continuation of the life* of *Lewis* the 13. *pag.* 59. &c. So in the reigne of *Charles* 9 when all Acts of pacification were broken; after many fruitlesse petitions, and vaine promises, they take up armes, whereupon a bloody civill warre ensued: & when this King contrary to his oath, *An.* 1592. caused that massacre at *Paris*, the protestants in *Languedoc Rochel* & other parts, took up armes in their own defence. So when *Henry* the 3 came to the crown, the protestants saw a necessity of standing to their defence, & being assaulted, they manfully defended themselves: & againe, when the peace which was now concluded was broken by the instigation of the *Catholick Leaguers*; *The King* of *Navarre*, the *Prince* of *Condee*, the *Marshall* of *Montmorancy* & others, resolved to defend themselves whereupon followed a sixt civill warre which ended in a new peace, *Anno* 1580. So in the reigne of *Lewis* his son when the *Queen* mother who was then regent, would give no redresse unto the protestants just grievances, The prince of *Condee* & divers others raised forces in their owne defence, & the duke of *Rhoan* & other protestants did joyne with them: A peace was concluded *Anno* 1616. but the very next year the prince of *Condee* is seized upon, whereupon the princes meeting at *Soyssons* resolved to defend themselves by warre which continued *Anno* 1621, 1622. at last a peace was concluded but it lasted not long by cardinal Richelieu's meanes. 3. They have in the third place the practice of the *Netherlands* (mentioned in the *Generall history of the Netherlands*, Lib. 9 p. 369, &c.) who, being oppressed in bodies, & states, by the duk of *Alva*, & the

Spanyards tyranny, & their conſciences tyrannized over, by the ſpanish inquiſition, introduced of purpoſe to extirpat religion, after ſerious deliberation, & conſultation with lawyers, divines, & learned men of all ſorts, did unanimouſly conclude to enter into a ſolemne covenant to defend religion, lives, & liberties, by force of armes: and, *Anno* 1572. the Prince of *Orange* & his confederats published a proteſtation shewing the grounds of their riſeing up in armes viz. [*for zeal to the countrey, for the glory of God, becauſe of the inhumanities, and oppreſſions, and more then barbarous and inſupportable tyranny, and incroachments upon their privileges, liberties, and freedomes.*] 4. They have the practice of the *Waldenſes* in *Piemont*, *Anno* 1558, & 1561. who being perſecuted by the *Lords of Trinity*, & other Popish ſoveraignes, aſſembled ſolemnely together to conſult how they might prevent danger, & after long prayer & calling upon God, they concluded to enter into a ſolemne mutuall Covenant for defence of themſelves & their Religion, & did ſo with ſucceſſe obtaining many notable victories againſt their perſecutors, See *Fox Acts & Mon. Vol.* 2. *pag.* 208, 209. So *Anno* 1571. *Nov.* 11. There is a league made for mutuall aſſiſtance of each other in times of perſecution, a copy whereof is to be ſeen in *Mr Morland's Hiſtory of Piemond, pag.* 252, 253. 5. They have the practice of the people of *Arragon* (mentioned by *Blanca* in his Comment. pag. 661, & 652. *An.* 1286. in the dayes of *Alphonſo* 3. who when there fell out a conteſt betwixt him & the Parliament, through the evill counſell of his courteours, reſolved to aſſociat themſelves together & to raiſe forces, it being lawfull, for the common cauſe of liberty to contend not only with words, but with armes, and their *ſuprarbienſe forum* or *Inſtitia Aragoniæ*, which was erected of purpoſe to withſtand the tyranny of Kings, had power to reſiſt their King with force of armes: So *Anno* 1283. they tell *Pedro* 3. their King, that if he would not containe himſelf within the Limites of the lawes they would purſue him by armes. 6. They have the practice of other *Spainyards*, as may be ſeen in the generall Hiſtory of *Spaine*, lib. 13, 14, 15. who roſe in armes

severall times against *Pedro* the I. King of *Castile*. 7. They have the practice of the *Hungarians*, *Anno* 1608. in the dayes of *Mathias* for when he denyed free exercise of Religion unto the Protestants of *Austria*, they took up armes in their own defence & assembling at *Horne* sent a protestation unto the *Estates* of *Hungary* requireing assistance conforme to the offensive & defensive League: See *Grimstons Imp. Hist. pag.* 730. &c. 8. They have the practice of the *Polonians* who oftintimes levied warre against their Kings as *Grimstone* in his *Hist. Imp.* & *Chytraus* in *Chron. Sax.* shew. 9. They have the practice of the *Danes* riseing in armes against *Christierne* the 2. who *Anno* 1524. was solemnely deposed as may be seen in *Chytraus Chron. Sax. lib.* 10. 10. They have the practice of the *Sweds*, riseing up in armes against *Christierne* the I. for breach of his Covenant made at his coronation, this was about the year 1499. See *Chythraus ubi supra.* 11. They have the practice of the *Helvetians*: first three of their *Cantons* viz. The *Suitians*, *Vrjans*, & *Vndervaldians*, *Anno* 1260. levied warre against their oppressing Nobles, & did prosecute the same twelve years: & *Anno* 1308. They joyne in Covenant to defend themselves, against the House of *Austria*, & defended themselves most resolutely, against the hudge armies of their adversaries, & upon the 16 of *Nov.* 1315. obtained a great victory, & that same year they renewed their Covenant at *Brunna*; in which Covenant, the other Ten *Cantons*, at severall times thereafter, being oppressed by their Nobles, did joyne, & at length, by warre brought themselves into that state of liberty, in which they are at this day: See for all this *Simlerus de Repub. Helvet.* 12. And lastly they have the practice of the *Bohemians* who in the Dayes of *Wenceslaus*, & *Sigismond* waged great warres under the conduct of valiant *Zizca*. See *Fox's acts & monuments Vol.* 1. And thereafter in the dayes of *Ferdinand* they resolved to fight couragiously against all their enemies how great so ever they were. But in case, some should be so bold, as to condemne all those Acts, as treacherous & rebellious, let it be considered.

6. That ſome of thoſe ſame practices are allowed and approved even by the Kings of Britaine, for King *Iames* in his anſwer to cardinall *perron* juſtifyeth the proteſtants of *France* their taking up armes in their own defence. Memorable is that ſpeach which King *Iames* had in the Parliament houſe, *Anno* 1609. *a King* (ſayeth he) *governing in a ſetled Kingdome ceaſeth to be a King & degenerateth into a tyrant, ſo ſoon as he leaveth to rule by his lawes, much more when he begineth to invade his ſubjects perſones, rights, & liberties, to ſet up an arbitrary power, impoſe unlawfull taxes, raiſe forces, & make warre upon his ſubjects, whom he ſhould protect & rule in peace; to pillage, plunder, waſte, & ſpoile his Kingdom; Impriſon, murder & deſtroy his people, in a hoſtile manner, to captivat them to his pleaſure.* This is a ſentence well worthy to come out of a Kings mouth, & to be ingraven upon the thrones of Kings & princes: and doth more then abundantly juſtify *Scotland*, in their late defenſive warre. Moreover Queen *Elizabeth*, & King *Iames* both, by the publick advice & conſent of their realmes, did give publick aid & aſſiſtance unto the proteſtants of *France* againſt their King, & to the *Netherlands* againſt the king of *Spaine*, and to the proteſtants in *Germany & Bohemia* againſt the *Emperour*, & entered into ſolemne leagues & covenants with them: if they had been traitours, & rebells, & that action of defence, utterly unlawfull, would thoſe princes have joyned with them in this manner? who can think this? So did King *Charles* the firſt openly avow to aide the proteſtants in France at *Ree* & *Rotchell*, againſt their King, who was come in armes againſt them: & the *Germane Princes* againſt the *Emperour*: & the *Netherlands* againſt the King of *Spaine*; And entered into a ſolemne league with them, for that end. All which do abundantly juſtify the *Scottish* defenſive warres, & free *Scotland* from the aſperſion of diſloyalty & rebellion. But moreover,

7. It is to be conſidered, That King *Charles I.* himſelf hath fully freed them of all theſe aſperſions in his publick Acts in his Parliaments declareing, [„ The Scots late taking up armes „ againſt him, & his Conſellours, in defence of their religion „ lawes,

„lawes, & privileges, to be no treason nor rebellion, & them „to be his true & loyall subjects, (notwithstanding of all as- „persions cast upon them, by the Prelaticall & Popish party) „becaus they had no evill nor disloyall intentions at all against „his Maj. person, crown, & dignity, but only a care of their „own preservation, & the redresse of these enormities, pres- „sures, & grievances in Church & state which threatened de- „solation to both.] See *the acts of oblivion & pacification*. Here is enough to stope the mouthes of all Calumniators & to vindicate them, & to cleare the innocency of their cause be- fore all the World. And furder *King Charles* who now is, did approve of the same in his declaration at *Dumfermlin* which is cited *Sect* 2.

8. Some of their chief antagonists, are forced through the clearnesse of truth, to assert such things, & grant such parti- culars, as will by clear & undenyable consequence justify their taking up of armes & resisting the armies of their King, when they came against then to destroy Religion, Lives, Lawes, & Liberties. (Beside that all of them are forced to speak most inconsequently unto their own principles, & by their conces- sions do overthrow their own grounds, & arguments as might easily be made to appear if to discourse at length of this subject were designed now.) As 1. *John Barclay*, *Lib.* 4. *Cap.* 16. he sayeth expresly, *That if a King will alienate and subjecte his Kingdom to another, without his subjects their consent, or be car- ryed with a hostile minde to the destruction of all his people, his Kingdom is actually lost, and the people may not only lawfully re- sist and disobey; but also depose him.*) This is more then the *Scots* could desire for they plead not for deposeing or dethroning of kings, but only for resisting & withstanding them, when they carry a hostile minde against them (whereof a strong army of strangers, marching with armes to their borders, after they were (contrary to all law) declared rebels, is as evident a demonstra- tion as can be) & are seeking the ruine & destruction of their own subjects. They plead only. That in that case the people may, & are bound before God, to defend themselves, when their religion (which ought to be dearer to them, then any thing

elſe) is ſought to be taken away, or altered, & ſervice books, or maſſe books, &c the like, tyrannically obtruded upon them. So *Contra Monarch.* lib. 3. c. 8. He granteth that [*the people have right to defend themſelves againſt great cruelty*] & what greater cruelty could be expected by a nation from their King then to be blocked up by ſea & land, threatened with utter ruine & extirpation, unleſſe they would ſell ſoull & conſcience & all; doth not this ſpeak abundantly for the juſtifying of them? 2. D. *Fern. Part.* 3. f. 5. acknowledgeth [*that perſonall defence is lawfull againſt the ſuddaine & illegall aſſaults, of the Kings meſſingers, or of himſelf, in ſo far as to ward off his blowes, to hold his hands; and when the aſſault is inevitable.*] Now if reſiſtence be lawfull againſt ſuddaine aſſaults, much more againſt premeditated, deliberated & adviſed aſſaults; If reſiſtence of illegall aſſaults be lawfull, then they cannot be condemned, becauſe the aſſaults of the King's forces were againſt all law & reaſon, for there is no law warranding the King, or any other, having a commiſſion from him, to force popery upon them, by armes: If reſiſtence be lawfull againſt inevitable aſſaults, then they are juſtified; for how could they reſiſt the aſſault of ſo many thouſand armed men; but with armed men? Yea when he alloweth in ſuch a caſe that hands may be laid upon the prince, he more then juſtifieth them, who never did intend harme to his Maj. perſon, & honour; but wished & ſought the ſaifty & preſervation thereof, by all meanes. And againe when he would anſwere the argument taken from Elisha's reſiſting of the King, he granteth [*that itis lawfull to reſiſt the Kings cutthroats*] and what did *Scotland* more then reſiſt his bloody emiſſaries? Moreover he alloweth [*to privat perſones liberty to deny ſubſidies and tribute to the prince when he imployeth it to the deſtruction of the common wealth*] and is not this a clear reſiſtance & a taking of the ſword out of his hand? But what ſhall a nation do that cannot get pay holden from a plundering army of enemies, & ſo cannot get them disbanded, but take up armes & force them to it? This is but reſiſtence, & the other is reſiſtence. *Majus & minus non variant ſpeciem* yea itis a queſtion if it be lawfull to deny to the King any of his tribute though

it

ſt be clear enough that it is lawfull for a nation to defend themſelves againſt the King's unjuſt & illegall commiſſions. The ſame Doct. *in conſcience ſatiſied Sect.* 5. confeſſeth that *Salus Populi eſt ſuprema Lex* and if ſo, ſome meanes muſt needs be allowed unto the people, to preſerve their own ſaiftie, when it is in hazard; & to recover it when almoſt loſt, by the invaſion & tyranny of governours, who inſtead of levelling all to that end, which ſhould be before their eyes, are taking courſes tending to the deſtruction of the people; To come with an army of armed enemies againſt a common wealth, is no fit mean to preſerve that common wealth, but to common ſenſe ſpeaketh out an intention to deſtroy the ſame: & therefore *Scotland* can not be condemned for preſerving it ſelfin ſuch a caſe. 3. *Iohn Bodin* de *republ.* lib. 2. c. 5. granteth. [*That if a King turn tyrant he may lawfully, at his ſubjects requeeſt be invaded, reſiſted; condemned or ſlaine by a forraigne prince*] & proveth it at large from ſeverall exemples. And if a forraigne prince may do this why may not the ſubjects themſelves do it if they be able? if the ſubjects may petition for this help, why may they not forbear to trouble ſtrangers, if they be able to do it themſelves? a forraigne prince hath no more ſuperiority nor right, over their prince for that effect, then they have themſelves, yea not ſo much. And elſewhere in that book viz. lib. 1. c. 10, & lib. 5. c. 5. he alloweth ſubjects to reſiſt & to depoſe Kings in ſome caſes: which is more then Scotland doth deſire. 4. *Arniſæus de author princ.* c. 2: n, 10. granteth [*that if the prince proceed extrajudicialiter, without order of law by violence every private man hath power to reſiſt*] much more then may the body & repreſentative of a land reſiſt, when he cometh againſt them with fire & ſword, which is the moſt extrajudiciall acting imaginable. So c. 16. n. 4. he granteth that [*limited princes may be reſiſted*] & ſuch an one is, & alwayes was, the King of Scotland; for they never knew an abſolute prince, as is clear from what hath been already ſaid. 5. So *Grotius* who *de Iure belli & pacis.* lib. 1. c. 4. n. 1, 2, 3, 4, 5. denyeth that the warr of ſubjects againſt ſupertours is lawfull, & would prove it by the law of nature, the Moſaicall law, the

Goſpell, & by the practice of the primitive chriſtians: and n.6. denyeth this not only to private ſubjects but alſo to inferiour Magiſtrats: all which to examine is not the work preſently intended; only it is worth the noticeing that even he is forced to grant many things, which ſerve abundantly to juſtify the practice of *Scotland* for ibid.n.7. He granteth [*the law of not reſiſting doth not binde when the danger is moſt weighty & certaine*] & doth prove it thus; becauſe the lawes of God in ſome caſes admit the exception of extreme neceſſity, as the law of the ſabbath: & further addeth, that this law about reſiſtence hath its riſe from their will who did firſt aſſociat themſelves in a ſociety, & created governours over themſelves; for if they were asked whether they would acknowledg theſe conditions that they should die rather then reſiſt, in any caſe, they would not grant it, unleſſe in this caſe when reſiſtence would wrong the common wealth, & occaſion the killing of many innocents. He furder proveth it from that paſſage which was cited out of *Barclaius*. yea he dar not condemne any, no not the leſſer part of the people who riſe in armes, in extreme neceſſity, far leſſe would he condemne the body of a land uſeing this laſt remedie in the extremity of hazard & danger, furder he proveth this from David who took armed men 1. *Sam.* 22: 2. &. 23: 13. to reſiſt the violence of *Saul* after he had learned for certanety that he was ſeeking his life: and from the *Maccabees* whom (as he thinketh) nothing elſe can defend but the great & imminent danger in which they were. And furder n. 8. he granteth that ſuch princes may not only be reſiſted but alſo punished by death, who are not abſolute. And it hath been showne that the Kings of *Scotland* have been obnoxious unto their Parliaments & yet they deſire not ſo much as is here granted. Moreover n.10. he aſſenteth to *Barclaius* ſaying, as hath been cited, *that if a King alienate his Kingdome he loſeth it*: but furder he addeth *if the prince but attempt to do ſo, and to ſubject it to another, he may be reſiſted*, and alſo n. 11. he aſſenteth to *Barclaius* ſaying as hath been cited, *that the King doth loſe his power when he ſeeketh the deſtruction of his ſubjects*. And againe he ſayeth, N. 13. „If the king hath one part of the ſupremacy,

„&

„ & the senat another, then the king may be resisted when he „ incroacheth upon the senat, & that notwithstanding that it „ were granted, the King onely had power of warfor that is „ to be understood onely of warre with forraigners. Thus he doth abundantly justify, the late defensive warre of *Scotland*, against their prince, who was incroaching upon the liberties of Parliament & people.

These particulars seriously pondered will do much to cleare their innocency unto the world, & to vindicat their cause and practice from the many foule calumnies & aspersions which the *Dœgs* of the generation did cast upon them, of purpose to foment the discord, betwixt the king & his faithfull & loyall subjects. And though by what is said, & conceded by their adversaries, the clearnesse & equity of their cause appeareth, both in poynt of law & conscience; yet for furder clearing of the same, these few following particulars may have some weight.

1. There is great difference to be put, betwixt actuall disobeying of, rebelling against, & violently with force of armes resisting, the lawfull Magistrat, doing his duty, & commanding just things warranded by the lawes of God, & the land: And disobeying his unjust Acts, & resisting his violent, tyrannicall, oppressing, plundering, spoiling & killing armies. The former is a resisting of the very ordinance of God, forbidden, *Rom.* 13. where the Apostle is speaking of the civill Magistrat doing his duty, & in his place, as God's deputy, exerceing the duties of his calling, & executing his office. But in the other case, the Magistrat is out of his function & calling; for God giveth no command to do evill, nor to tyrannize. He is not God's vicegerent when he playeth the tyrant; & therefore he may be resisted & opposed, without any violence done to the office or ordinance of God. As the King's messinger may be resisted & withstood when he crosseth his commission & warrand, without any wrong done to the office or to the King. Every disobedience in things sinfull is not a resisting of the ordinance of God. The office may be owned, & the person in the office honoured, & esteemed, as he ought, when yet his

unjuſt violence may be reſiſted, & his ſinfull commands diſobeyed; for it is onely powers that are ordained of God that muſt not be reſiſted, & tyrants, or Magiſtrats turning tyrants, and exerceing tyranny, cannot be called the ordinance of God; though the office abſtracted from the tyranny, be the ordinance of God: And there is no hazard of damnation, for refuſeing to obey unjuſt lawes, but rather hazard of damnation, in willingly following after the command: And ſo there is no danger in reſiſting ſuch Acts of tyranny; for tyrants exerceing tyranny, are no terrour to evil doers: But on the contrary they are a terrour to good works, & therefore that place, *Rom.* 13. cannot be underſtood of tyrants. It is a true & a worthy ſaying of famous *Mr Knox in* his hiſtory of *Sotland Lib.* 2. pag. 141. *There is a great difference betwixt the authority which is Gods ordinance & the perſons of thoſe, who are placed in authority. The authority & God's ordinance can never do wrong; but the corrupt perſon placed in authority, may offend; So that the King as king is one thing, & the king Acting tyranny is another thing.* They plead not for rebelling againſt the office, or reſiſting that, which is God's ordinance. They did never intend to deſtroy Magiſtracy, or to leſſen the Kings Maj. juſt power & lawfull authority, or to wrong the office in the leaſt. And therefore all the arguments of their adverſaries taken from *Rom.* 13. or the like places, which ſpeak againſt withſtanding & oppoſeing of the office, & divine appoyntment of God, are of no force, againſt them, & their cauſe. Tyranny is one thing, & the office of the King is another thing: And what arguments ſpeak well againſt reſiſting the office, or the perſon duely, & legally diſchargeing the duties belonging to that office, will not conclude againſt reſiſting of tyranny. So that all the arguments taken from *Numb.* 16. *Exod.* 22: 28. *Eccleſ.* 10: 20. & 8: 2, 3, 4 *Prov.* 17: 26. And the like places, do not ſpeak home to their caſe.

2. There is alſo a great difference betwixt riſeing up in armes without any juſt lawfull ground, or for triffles, or matters of ſmall moment, as for the exacting of ſome more tribute then is due by the law, or the like, & riſeing up in armes in extreme neceſſity,

necessity, when religion, lawes, lives, & liberties, & all that was dear to them as men, & as christians were in hazard, and this was their case, for the king came with an army upon them, & blocked them up both by sea & land, & thus, with forraigners, was seeking to subdue them, & so to overturne religion, lawes, liberties & all, was not this extream necessity? What more imminent danger could be expected then an army of bloody papists bent to prosecute their bloody designes coming with fire & sword, encouraged by a commission from the king & so approaching their very borders? Was there not then a necessity, an extreme & inevitable necessity, to rise up in armes, for the saistie of religion, lawes, lives, & liberties, when all was thus in most imminent danger? Should the Parliament & the whole body of the land give up unto the lust of these bloody irish, popish, prelaticall & malignant enemies, their own lives, & the lives of their wives & children, their liberties as men, & as christians? Should they sell religion & the land, their soulls, & their consciences unto those men because (for sooth) they had a commission from the King? there is no reason in the world for this. Therefore seing there is nothing more dear to people then their religion, their lives, & their liberties, a warre raised in the defence of these, cannot be accounted a warre raised upon triffles, or sedition, faction, or mutiny; but a necessary defensive warre, not raised upon privat injuries & discontents, But upon matters of the greatest importance & necessity, viz to prevent the extirpation of religion, the subversion of lawes, & liberties, & the destruction of lives & all *Cicero de officis lib.* 2. can tell us that *omnium societatum nulla est gratior nulla carior quam ea quæ cum republica est nuicuique nostrum; cari sunt parentes, cari liberi, propinqui, familiares, sed omnes omnium caritates patria una complexa est, pro qua quis bonus dubitat mortem oppetere si ei sit profuturus.*

3. There is also a difference betuixt a war raised of purpose to force the supreme Magistrat to be of the same religion with the subject, or else to dethrone him; and a war raised to defend that religion, which both Magistrat & subject owneth. Betuixt a war raised in defence of that religion which hath never been

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eſtablished by the lawes of the land; and a war raiſed in defence of that religion, which is publickly owned by the lawes of the land & which King & ſubject both, are ſworne to maintaine, & which by the lawes, becometh a civill right & a part of the civill liberty of the ſubject. Whatever may by ſaid againſt a war raiſed in the former caſe; yet in this laſt caſe a war defenſive is moſt warrantable, and this was the very caſe of *Scotland*; for they were ſeeking to defend the religion, which was eſtabliſhed by the lawes of the land, & which popiſh & prelaticall malignants, were ſeeking to overturn; So that any argument, which adverſaries can bring from the practice of the primitive chriſtians, will conclude nothing againſt them; becauſe the true religion was not then eſtabliſhed by law, the emperours had never conſented therunto, but it was otherwiſe in *Scotland* as hath been abundantly shown *Sect.* 1. & 2.

4. There is alſo a difference betuixt a violent laying of hands upon the perſon of the King, of purpoſe to deſtroy, & cut him off, or to denude him of his juſt power & privilege, & that in cold blood too, by privat perſons, for ſome perſonall injuries: This they abhore & ever have abhored: and betuixt a ſinleſſe ſelf defence when unjuſtly aſſaulted by armies ſent by the King, to deſtroy & cut them off. In pleading for a ſinleſſe ſelf defence, they do not plead for an illegall taking away of the life of a King. Their raiſing of forces in their own ſinleſſe ſelf defence cannot be condemned; there being an actuall invaſion made upon their lives & liberties which made their war to be [*tutela vitæ proxima*] *the laſt refuge for the life*, & the only remedie that was left for the ſaifty of religion, & of all that was dear unto them. So then their caſe not being a proſecution of adeſigne of ſome privat perſons upon ſome privat injuries received, to deſtroy & cut off the King, or to denude him of his juſt power & privilege; but a nationall defence of religion, lives, & liberties, againſt the Kings armies unjuſtly ſeeking to deſtroy & violently to overturne all; None of the arguments of adverſaries taken from. 1. *Sam.* 24: 6, 10. & 26: 9, 11, 23. 2. *Sam.* 1: 12, 16. do conclude againſt them, or ſpeake to their caſe.

5. There is alſo a great difference betwixt a warre contrived

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& carryed on, by privat persons when grievously oppressed: And a warre carryed on, by the body of a land in their representatives in Parliament, against a king. Suppose, the first could not well be defended (which yet is not absolutely denyed) yet this last is clear; for a Parliament hath more power over a king then any privat person, or subject how great soever, hath: judicious *Calvin* is clear for this in his *Institutions lib. 4. cap.* 20, n, 39. saying *if there be inferiour Magistrats, such as the* Ephori *among the* Lacedæmonians; Tribuns *among the* Romans *The* demarchi; *among the* Athenians, *and as the* Estates of Parliament *in kingdomes now, if these connive at the king's oppressing of the people they become perfidious because they betray the peoples liberty, which by God's appoyntment they are to protect.* Thus *Scotland* is cleared, for their warre was carryed on by the body of the land in their representatives, by their Parliament, acting in its publick & parliamentary capacity: and so the arguments drawn by adversaries from the practice of the primitive Christians, speak nothing against the Parliament of *Scotland* Their levying warre against the king in their own defence, & in the defence of the liberties & lawes of the land.

6. There is a difference betwixt a warre raised by a Parliament of purpose to cut off the king, & to depose him from his throne & governement (which hath been severall times practised by the Parliaments of Scotland, when their kings turned tyrants & vitious in their lives, as was showne above) & their case, which was a case of pure defence, there being no intention to offer the least violence to his Maj. person, crowne or dignity: but only to defend religion, & the kingdome, against the popish & malignant, invading, plundering forces, which were sent forth to destroy all: for their armies advanced with petitions seeking redresses of wrongs with all humility, & shewing their willingnesse & readinesse to lay down armes so soon as they were secured in the peaceable enjoyment of the religion sworne to, & freed from the just fears of these bloody invading forces who were seeking the destruction of their lives & liberties. So then when their adversaries reason against riseing in armes against the King they speak not to the poynt: none of

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these arguments come near to their case which was a case of naturall sinlesse selfdefence.

7. It would be considered that the warre did not begin upon the Parliaments side; but they were forced & constrained to it: The King commanded all the English Nobility, with all their power & forces to meet him at *York April* 1639. that they might advance with him towards *Scotland*. The Scottish Noble Men who were at court, were also sent down towards *Scotland* to raise their friends, having some expert forraigne Officers with them: There were three thousand Men sent down with the navy, & six hundered Horsemen were sent down to the Borderes to make incursions, all which preparations of warre did clearly speak out his Maj. intention, & did necessitate them to bestir themselves in their own defence, against those invaders, & to keep their own rights unviolated: And yet with all they had their supplications ready to presente, after the granting of which, viz. a quyet & peacable enjoyment of their Religion, Lives, Lawes, & Liberties, they resolved to lay down armes & accordingly did so; for after the pacification, *Iun.* 18. 1639. their army was disbanded. Againe when the Parliament which was convocated by his Maj. command conforme to the pacification, was, contrary to the articles, & contrary to the liberties of the land, & privileges of the Parliament, prorogued; the Castles of *Edinburgh* & *Dumbritton*, were fortified with men & ammunition; Their friends *travelling* to *England* & *Irland* were constrained to swear unlawfull oaths, or to goe to prisons *; The sea was stopped, & no liberty was granted to traffique, & so the land was blocked up; The articles of pacification were broken; *Berwick* and *Carlile*, were fortified; The Commissioners who were sent from the Parliament to the King, were imprisoned, contrary to the law of Nations; The Castle of *Edinburgh* was killing many, & threatening to destroy the whole city with their cannon; their ships were intecepted by sea, & their merchands spoiled of their goods, sea men were taken prisoners & miserably handled: When matters went thus, were they not constrained to take up armes againe, & to advance towards *England*

land that they might seek peace, from his Maj. not being able to maintaine an army on the borders, after they had been so impoverished, through the long want of free tradeing, and not to lay downe armes, untill their necessary and just desires were granted? Now let any judge, whether they can be justly blamed for standing to their defence, being thus necessitated as they would not betray the Land, their Lawes, their Liberties, & their Religion, & so sell their soul & consciences & all into the hands of their malitious enemies?

So then, when this shall be made the state of the question whether or not the Parliament, & body of the Kingdome of *Scotland*, may not lawfully take up armes (having no purpose to wronge his Maj. person, or to spoile him of his just rights & privileges) to defend themselves, Lands, Liberties & (no lesse then) their Religion after it had been setled by law: When the King (in stead of granting their just & necessary desires viz. security, that they should be ruled by lawfull generall Assemblies, & other inferiour Church judicatories in Church matters, according to the ancient discipline of the Church: And by a free Parliament in civill matters, according to the foundamentall lawes of the Land; And that they might be free from illegall courts & alteration in their Religion: & that the articles of agreement should be keeped & that granted which was promised under hand & seal) is raising a strong army of forraigners, *Irish*, *Popish*, ptelaticall, & malignant enemies to the Church & kingdome of *Scotland* intending to destroy their Land, Lives, & liberties, to overturn their Religion, & Privileges; & for this end blocketh them up by sea & Land, fortifyeth Castles in their bosome, giving they commission to destroy all they could & denunceth them all rebells & treatours? Sure it may be supposed that, seing this is the true state of the question it shall easily be granted, that this was a necessary defensive warre, & that *Scotland* could do no lesse then they did, unlesse they would have willingly betrayed their Religion & all which they had as men,

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or as Chriſtians, into the hands of their bloody & cruell adverſaries, which no law would have warranded them to do.

But to put a cloſe to this. This their practice is abundantly warranted.

1. By Lawyers affirming that ſuch a defenſive warre, *Cui libet, omni jure, ipſoque rationis ductu permiſſa eſt. Such a warre is warranted to all, by all lawes imaginable. Spigelius tels us in his Lexicon tit. bellum.* That [*that is a juſt warre which is undertaken for defence,*] & citeth *l. ut Vim. ff. de juſt. & jur.* Yea he tels us that if a warre be not undertaken for defence, it is ſedition, though carryed on by the Emperour; for he can no more hurt by warre then he can take away a man's life without a cauſe, & againe he telleth us, that that is a juſt & neceſſary warre, *Quod fit ſe & ſua defendendo*, that is, *for defence of a man's life, lands, and goods, and liberties, and what is dear unto him.* Hence is that common ſaying, *Vim vi repellere omnia jura permittunt. It is lawfull by all law, to reſiſt violence by force of armes.* And, *Defendere ſe eſt juris naturæ & gentium. The law of nature and nations teacheth every man to defend himſelf.* And *Cajus* the lawyer ſayeth, *That the very law of nature permitteth a man to defend himſelf againſt danger.* And *Florentinus*, *It is right that what ever a man hath done in the defence of his own body, ſhould be accounted lawfully done.* Yea Ovid tells us the ſame, *Armaque in armatos ſumere jura ſinunt.*

To meet arm'd men with armes, all lawes allow.

2. By the conceſſions of adverſaries; for they grant that it is lawfull to flee from the tyranny of abuſed authority, as *Moſes* did *Exod.* 2. *David*, 2 *Sam.* 19. *Eliſha*, 1 *King.* 19. *Joſeph* & *Chriſt*, *Mat.* 2. & this Chriſt warranteth expreſly *Mat.* 10. Now this flying is a plaine reſiſting of rulers; & if reſiſting be unlawfull, this muſt be unlawfull likewiſe, & if this be not unlawfull, reſiſting cannot be unlawfull: for the the ſame juſtice & equity which warrandeth men by flight to decline unjuſt aſſaults, doth alſo warrand an eſcapeing of them by reſiſtence, when flight will not do it: (Which was indeed the caſe of *Scotland*, for it is not imaginable, how a whole land,

land, man, wife, & child, old & young, sick, & whole, can flee from their habitations & goe seek their livelyhoods in other Kingdomes; beside, that it is a great question, if the States of a land, the peers & inferiour judges, were bound, by flying to leave the Land, Liberties & all, unto their enemies, if they had power to defend themselves) for if the law of nature oblige men to preserve themselves by flight from tyranny it doth also oblige them to defend themselves by resisting, when they cannot conveniently secure themselves by flight; or when they cannot flee without betraying of the countrey, Religion & all. All this will be so much the clearer if it be considered that if a tyrant hath legall power from God to kill, he hath the same legall power to summon legally, & siste before his tribunall, such & such persons: And therefore if it be unlawfull to resist his tyrannous murthers, it must be also unlawfull to resist his legall citations to that effect, & so unlawfull to flee; for one & the same power citeth & judgeth: Therefore if the law of defence warrand one to resist his summonds, & not to compeer it warrandeth one to resist his tyranny, if he can be able; It is true the one resistence is more, but *majus & minus non variant speciem:* And if the one be a fault in conscience, so must the other be: See *Lex Rex*, *Pag.* 325, 326. Next, they grant that it is lawfull for subjects to resist a forraigne enemy, invadeing the land with armes; & thus their practice is justified. It is true their enemies had the Kings Commission; but the having or wanting of such a commission, will not alter the case of the land, which is put to defend it self: For whether these enemies have such a commission or not, they are strangers & forraigne enemies to the land, & they come with a hostile minde to destroy, & to conquere the same; & therefore what ever commission they have, the people are bound to defend themselves, their Families, young & old, their Lands, their Liberties, & their Religion, & all which they have. They grant also, that a privat man may defend himself, when violently assaulted, & his life is in danger, & when he can no way escape, he may rather kill as be killed. So *Grotius de Jure Belli ac Pacis, Lib.* 2. *c.* 1. §. 3. *Si corpus impetatur vi præ-*

 sente

ſente cum periculo vitæ non aliter vitabili, tunc bellum eſſe licitum, etiam cum interfectione periculum inferentis. Much more will this hold good in the caſe of a whole Kingdom, when they are aſſaulted by cruell enemies & cannot eſcape with their wives & children; but muſt needs fall upon the ſword of theſe bloody enemies, unleſſe they uſe an innocent & lawfull reſiſtence? Yea ibid. §. 6. He granteth that in caſe a man be in danger to ſuffer mutilation he may reſiſt; Seing the loſſe of a member eſpecially if it be a chief member, is ſad, & in ſome reſpect comparable to the life; And moreover (ſayeth he) it can not be known whether or not the life may not be in danger thereby: Will not this then ſerve abundantly to juſtify *Scotland*, when their enemies came with a purpoſe not only to mutilat but alſo to kill? They grant likewiſe that a maid may reſiſt the King when he is ſeeking to abuſe her; And ſhall not an army of malignants be reſiſted, who if they get their will would abuſe Virgines, & marryed Women alſo.

3. By the law of Nature, Nature hath given to beaſts & birds power & ability to defend themſelves, hence that

——— ——— Omnibus hoſtem
Præſidiumque datum ſentire, & noſcere teli,
Vimque modumque ſui.
'Tis given to all, their foe to know,
And how to guaird and warde the blow:
To know their weapon ev'n by ſenſe,
And how to uſe it in defence.

And that of *Horace*,

Dente Lupus, cornu Taurus petit, unde niſi intus
Monſtratum?
That Wolves with tearing teeth and mouth,
And Buls with puſhing horns purſu'th,
Whence is it that this skill they have;
Nature within, it to them gave.

And that of *Lucretius*,

Sentit enim vim quidque suam, quâ possit abuti,
Cornua nota prius vitulo, quam frontibus extant:
Illis iratus petit, atque infensus inurget.
Creatures their strength do early know,
Which they may use, abuse also,
The calf his horns doth know, before
On's fore head they shew lesse or more:
Pushing with them in tender age,
And pressing hard as in a rage.

& shall beasts be in a better condition then man? Shall a bull have liberty to defend it self with horns, & shall man have no liberty to defend himself against tyrants, or souldeours in their name coming to kill, plunder, burn, & slay all? Nature alloweth, *Vim vi repellere*, *To resist violence with violence*, to all; & against all violence without exception; Nature can put no difference betwixt violence offered by a Magistrat, & violence offered by another person. *Defensio vitæ necessaria est, & a jure naturali profluit; It is necessary by the law of nature that a Man defend his life.* And the reason is because God hath implanted in every Creature, inclinations, & motions to preserve it self. Each are bound to love themselves better then their neighbours, for the love of themselves is the measure of that love which they owe to their neighbour. The law of nature alloweth one rather to kill then to be killed, & to defend himself more then his neighbour; *Cicero Lib. 1. De Officiis* sayeth [„*Injustitiæ duo genera sunt*, &c. There are two kindes of wrongs, one of these who „do the wrong, the other of those who when they may „hold off the wrong, do it not: He who without cause seteth „upon any, being angry, or some other way stirred up, „layeth violent hands upon his neighbour; but he who doth „not defend nor resist the injury when he may, is as farr in the „wrong as if he should desert his parents, his friends, & his „countrey.] And againe, *cum sint duo genera decertandi*; &c.

„ There are two kindes of contending, one by argueing which „ is propper to men, the other by force, which is propper to „ beasts, we must flee to this last when we cannot make use of „ the former] & againe in his *Orat. pro Milone* he sayeth, *Est hæc non scripta*, &c. [„ This law is not a law written, but „ a law borne with us, we have not learned it, nor acquired it, „ nor read it, but we have taken it, drawne it, & extracted it „ from nature it self, to which we are not taught but made, „ we are not instructed but are endued with it, that if our life be „ in hazard by snares, by violence, & darts of thieves or ene- „ mies all honest wayes must be assayed to free our life. So rea- „ son teacheth this to the learned, necessity to the Barbarians & „ custome to nations, & to beasts nature it self hath prescribed „ this, that whatever way they can, they should resist all violence „ & save their lives.] Thus you see nature it self and such as spoke by the light of nature do warrand such a practice.

4. By the law of nations, the actions of some of which have been mentioned already & he who desireth to see more may consult [*Prin's Appendix to his soveraigne power of Parliaments*, &c.]

5. By the law of God; as we see by many examples. 1. Of *David* who being but a privat man, & a subject, & now unjustly persecuted by *Saul* the King, who was seeking his life, is forced to defend himself with armes, by taking to him first 600. men 1. *Chron.* 12. & then a great host v. 22, 36. & this was warranted of God, for the Spirit of God commendeth them for their valour v. 2, 8, 15, 21. And the Spirit coming on *Amasai* v. 18. prompting him to speak what he spoke cleareth it also. 2. of *Elisha*, 2. *King.* 6: 32. He keepeth out the house against the *King*, by force; & resisteth him who was coming to use unjust violence. 3. Of the 80 *Priests* who resisted *Uzziah*: 2. *Chron.* 26. 17. Those are called *most valient men* & it is said [*they withstood Uzziah & they thrust him out.*] 4. Of the people their rescueing of *Ionathan* 1. *Sam.* 14. unjustly condemned to die. They resisted the Kings act & edict notwithstanding of his oath: Yea they did swear the contradictorie of the Kings oath. 5. Of *Libnah* revolting from *Iehoram*, 2. *Chron.* 12.

21: 10. because he pressed them to *idolatry*, as is probable from v. 13. so sayeth *Lavater*, *Zanchius* & *Cornel a lap.* see for this also that noble commentator *Trochreg* on the *Ephes* pag. 923 6. of the city *Abell* resisting *Ioab.* 2. *Sam.* 20. 7. of *Elijah.* 2. *King.* 1. killing many hundereds of the Kings men & emissaries sent to apprehend him. 8. By *Christ* bidding his disciples *Luk.* 22: 36, 37, 38. *Buy swords.* Nor is there any thing in scripture contrary to this; for the passages of which the adversaries make use, do either speak against opposeing of lawfull acts of just governours, as *Eccles.* 8: 2, 3, 4. *Numb.* 16. *Rom.* 13. 1 *Pet.* 2: 13, 14. or against opposeing of inferiour Magistrats, as well as others, & so serve not their purpose, such as 1 *Pet.* 2: 14. &c. *Rom.* 13. *Exod.* 22: 28. *Iob* 34: 18. or speaketh not of a pure defensive warre but of seeking the utter destruction & ruine of the supreme Magistrat, as some of David's expressions, which they make use of.

6. By right reason: for there is no striker obligation betuixt a prince & his subjects then betuixt parents & children, yea not so stricke; & yet if the father become distracted & rise up in a fury to kill his children, the children may lawfull joyn together & resist him, & binde his hands; So may the wife resist the unjust violence of her unnaturall husband, much more may subjects resist the unjust violence of their King. 2. Otherwise a King who was an ordinance of God ordained for a rich blessing; should become the greatest curse imaginable, if *actu primo* he be invested of God with power to tyrannize; & the people be put out of all capacity to resist, he should become the greatest of curses to a people. 3. This should crosse the end for which people did set up a King over themselves; it was to preserve them, & to keep them from wrongs & not to put power in his hand to kill & murther them as he pleaseth. 4. This would put rationall creatures into a worse condition then the beasts are into: for if their King will, he may cut all their throats, destroy all their liberties, ravish all their wives, & doughters; destroy all their lands & livings, & that without any controle or the least resistence imaginable. But who can beleeve this? Yea put the case there were but three or foure Kings in all the world

all the lives of the reſt should be at their devotion; ſo that if they in a fit of fury & madneſſe give out the word of command, they may cauſe kill all, without any reſiſtence: & would not this reflect upon the wiſdome & godneſſe of God, if he ordered matters ſo? but the abſurditie of this is abundantly clear ſo that more needeth not be ſaid. He who deſireth more ſatisfaction in this queſtion may peruſe *Innius Brutus* his *vindiciæ contra tyrannos Queſt.* 3. a book as yet unanſwered by any: and *Lex rex* which gote never another anſwer nor a fagot, a quike way forſooth of diſpatching an anſwer, & Mr *Prins* [*Soveraigne power of Parliaments &c.*] Where the matter is fully cleared both in poynt of law & conſcience, which was published by order of Parliament: and a book intituled *de jure Magiſtratus in ſubditos*: & *Trochreg's* commentary on the *Epheſians* where he will finde this queſtion prudently judiciouſly and ſatisfactorily handled from pag. 911. to 925.

Thus in ſome meaſure is this *Ninth* particular cleared & the lawfulneſſe of Scotland's defenſive warre clearly showne, & hereby the unlawfulneſſe of ſwearing any oath, which might have imported a condemning of that warre, is alſo demonſtrated.

By what hath been ſaid to this *Ninth* particular, the *Tenth* & laſt is likewiſe cleared viz. *The lawfulneſſe of Scotland their ſeizing upon the Caſtles within themſelves:* For if it be lawfull for a land to defend themſelves; & to uſe reſiſtence by armes, in their own neceſſary defence; It is alſo lawfull for them to ſeize upon ſuch caſtles & ſtrengths, as may prove a fit & neceſſary meane of defence. It is lawfull to poſſeſſe theſe, & keep them out againſt the enemies of the countrey, who if they had them, would make uſe of them for the deſtruction of the land & for the ſubverſion of Religion, Lives, & liberties: What ever law will allow of ſelf defence, will alſo allow the uſe of all fit meanes for that end; For the end includeth the meanes leading to the end. Moreover theſe Caſtles & Fortifications were originally appointed for the ſaifty & ſecurity of the Kingdome, & of none elſe, & therefore at the leargе treaty, it is concluded in anſwer to the ſecond demand, [*That the Caſtle of Edinburgh*

Edinburgh and other strengths of the Kingdome should with the advice of the Estates of the Parliament, according to their first fundation, be fournished and used for defence and security of the Kingdom.] So that hereby the King approved of all which was done in this businesse, before: & acknowledged that according to their first fundation they were for the Kingdom's advantage. It is true, these Castles were annexed to the Crown *Parl.* 11. *Act* 41. *King Iames II.* but that was done *to guaird against the poverty of the realme*, & for all that *the King might not give them away in fee or heritage, nor in franck tenement without the advice, deliverance & decreet, of the whole Parliament: And for great, seen, & reasonable causes of the realme, otherwise any alienation or disposition was to be of no avail*; And it was enacted that the Kings of *Scotland* should be sworne at their coronation to keep this statute in all points: & *Act* 9. *Parl.* 9. *king Iam.* 6. sayeth that [*These Castles are for the welfare of the realme, as well as for his Maj. behoofe: so Act.* 125. *Parl.* 7. *K. Iam.* 6. The Castles are called, *the keyes of the realme*. So though the King hath the custody & command of them, yet it is alwayes in order to the right end, that is, for the saifty & good of the countrey, & if he should make use of them, for the ruine & destruction of the countrey, they should be abused, & might lawfully be taken out of his hand & converted to the right use, as when a father turning mad will kill his children with a sword, the children may lawfully take the sword from him with which, he was bound to defend them, against the common enemy, & make use of it in their own defence. Castles & fortifications are not the King's patrimony, but belong to him as King & Governour of the land, so that he is to make no use of them, but for the countreyes good, he cannot dispone & sell them as he may do other things, that belong to his patrimony: Therefore *Scotl.* cannot be blamed, for seizing on these for their own saifty, seing this is their native end, & the only thing they were ordained for. Nor can any be blamed for refuseing that oath which would have imported a condemning of this lawfull & necessary deed.

Thus reader thou hast shortly laid before thee a hint of what

clear grounds there were, of ſtumbling at the taking of this oath as to the very civil part thereof, ſeing this civil ſupremacy is & muſt be the ſame with his perogative & his prerogative is ſuch as hath been showne. A difference betuixt the ſupremacy & the prerogative is not imaginable, unleſſe it be this. that the ſupremacy is more comprehenſive, & taketh in all the prerogative & ſomething more: yea by ſome poſteriour acts, they are made of one & the ſame latitude, as in the *act* for *the national Synod*, the ſetling of the external government of the church is ſaid to belong to his Maj. as an inherent right of the crown. & how? *by vertue of his prerogative royall and ſupreme authority*: ſo that, his prerogative royall & ſupreme authority are made one: & if they be one as to eccleſiaſtical matters much more muſt they be one & the ſame, as to civill matters: & more clearly in the King's commiſſion for the *heigh commiſſion*, where it is ſaid *His Maj. by vertue of his royall prerogative in all cauſes and over all perſons etc*: ſo that any may ſee that his *ſupremacy over all cauſes* is one & the ſame thing with his *prerogative*. Moreover this is certane that who ſoever do acknowledge & recognoſce the *King's power & ſupremacy, in all cauſes, and over all perſons*, do acknowledge & recognoſce all that which they ſay agreeth to him as King, and who ſoever do acknowledge & recognoſce this, do acknowledge & recognoſce his *royall prerogatives*: for his *royall prerogatives* are ſuch things, as agree to him as King, becauſe they are annexed to the crown, as they ſay. It is true in their 11 *act* of *parl*: the acknowledgment of his Maj. prerogative is mentioned beſide the oath of alleagiance: But that will nor make them to differ ſo far; yea the acknowledgment of his Maj. prerogative is but explicatory of a part of that ſupremacy mentioned in the oath of alleagiance. So that his prerogative over parliaments & over their actions & over all other ſubjects, is but a part of that ſupremacy which they ſay he hath over all perſons & in all cauſes. So in the oath for aſſerting his *majeſties prerogative*, defenſive armes & the Kingdomes entering in a league with *England* & all their proceedings in the work of reformation are condemned, & this cannot be denyed, though there be an expreſſe oath afterward conceived of purpoſe for that end, viz the *declaration* ſet forth.

Sept. 2. 1662. SECT.

Section. XII.

The meaning of the oath of Alleagiance as to its eccleſiaſtick part opened, & ſome reaſons why upon that account it could not be taken.

THe civil part of this oath of alleagiance being thus ſpoken to, in the next place the eccleſiaſtick part muſt be handled; & when this is but explained, reaſons without much difficulty will appear, why as to that part of it, it could not then, (nor as yet can) in conſcience be ſubſcribed unto.

In this part, as in the other, the ſenſe which the tenderers thereof do put upon it, muſt be ſearched & ſought for, out of their acts: for though it could have been wished (& both reaſon & religion would have required it) that after the example of *Abraham*, they had made the oath as plaine & eaſie as might be, ſo that the ſenſe & meaning of it had been obvious to all; or had annexed ſuch a gloſſe & meaneing, as the words in ordinary conſtruction would bear, & tender Chriſtians might ſaifly aſſent unto: yet there was no ſuch thing done: yea nor being deſired to do it, would they do it: yea nor would they ſuffer any to enquire at them, in what ſenſe they would have the oath taken: yea which is more, they made an act diſchargeing all to offer any ſenſe of the oath under the paine of treaſon. So that there is no way now left to finde out the meaning of the oath as to this part but by their acts & actings; which, when conſidered, together with ſome other things uſefull in this buſſineſſe, will help to cleare the true ſenſe thereof. Three things then muſt be ſpoken to. 1. The riſe & progreſſe of this buſſineſſe, which is imported by this part of the oath, viz, the Kings ſupremacy over perſons eccleſiaſtick, & in eccleſiaſtick cauſes, in *England*. 2. The riſe & progreſſe of it in *Scotland* 3. Some acts & deeds of the King & Parliament who now tender it.

As to the first of these. It is notour enough what King *Henry* the Eight did, when upon some privat discontents he shook off the *Pop's* supremacy *Anno* 1530. for having caught the Clergy in a *Premunire*, for countenanceing some way or other the *Pop's* legat, he would not be satisfied with their payment of 100000. lib: unless also they would acknowledge him, for the supreme head of the Church on earth, which after some debate in their Synod both in the upper & lower house of convocation, was condescended to, in forme as follow̃th *cujus*, *&c. of which Church.* (viz the Church of *England*) *we recognosce his Maj. to be the singular protectour, the only & supreme Lord*: & (*so far as Christ's lawes will permitt*) *the supreme head.*) This was subscribed unto by all, & put into their publicke acts or instruments, & presented to the King: afterward *Parl.* 24. c. 12. upon this ground it was statuted & ordained that all ecclesiasticall suites & controversies, should be determined within the Kingdom, & all appeals to *Rome* were prohibited: and *Parl.* 25. c. 20. The manner of electing of *Archbishops* & *Bishops* was altered, & that power given & granted to the King, and upon this same foundation. *Parl.* 26. c. 1. it was declared that the King is supreme head of the Church of *England*, & that he should have all honours & preheminences which were annexed unto that title: & after this there followed another act. c. 3. for Tenths & first fruits as appertaineing to that head-shipe & supreme authority. Hence also *Anno* 1532. The convocation submitting nnto the King's Maj. promiseth in *verbo sacerdotis* [*That they would never from thence forth presume, to attempt, allaidge, clame or put in ure, en act, promulge, or execute, any new canons, constitutions, ordinances, provinciall or others or by whatsoever name, they shall be called, in the convocation unlesse the Kings most royall assent may to them be had, to make promulge & execute the same: & that his Maj. do give his most royall assent & authority in that behalfe.*] Which deed of theirs the Parliament did, shortly thereafter, ratifie in these termes [*That none of the said clergy from thence forth should presume to allaidge, clame, or put in ure, any constitutions, or ordinances, provinciall or synodall or any other*

canons

canons nor should enact promulge, or execute any such canons, constitutions or ordinances (by what soever name or names they may be called) in their convocations, in time coming (which alwayes shall be assembled by the Kings write) unlesse the same clergy may have the kings most royall assent & license, to make promulge & execute such canons constitutions, & ordinances provincall & synodall; upon paine of evry one of the said clergy doing the contrary to this act, & thereof convicted, to suffer imprisonment and make fine at the king's will. 25. Parl. c. 19.] So *Parl.* 35. *c.* 1. There was another oath devised, & ratified which was to be imposed upon the subject, for the more clear asserting of the King's supremacy.

By these Particulars any may see that *Peter Martyr* had good ground to say, as he doth on. 1. *Sam.* 8. That King *Henry* took all that power to himself which the *Pope* challenged [*atque hoc fortasse est quod Rex Angliæ, voluit se secundum Christum appellari caput ecclesiæ, putavit enim eam potestatem quam sibi Papa usurpaverat, suam esse, & in regno suo ad se pertinere, i. e, he would therefore be called head of the Church next under Christ, because he thought that all that power which the* Pope *did usurpe did belong to him within his own dominions*] and he had good ground to say that [*it was a proud title which gave much offence unto the godly*] Nor was it without reason that judicious *Calvin* did inveigh so much against that title in his commentary on *Amos* 7. saying *qui initio tantopere etc. i.e. They who at the first, did so much extoll Henry king of England were no doubt, inconsiderat men, they gave unto him the supreme power over all; and this did alwayes wound me; They were blasphemous when they called him supreme head of the* Church, *under Christ.*] So that *Peter Heylyn* must not be beleeved, when he telleth the world in his discourse of the *reformation of the Church of England*, *pag.* 13. [*That these statuts which concerne the kings supremacy, are not introductory of any new right that was not in the crown before, but only declaratory of an old*] & againe *pag.* 48. 49. [*That when the supremacy was recognized by the Clergy in their convocation to king Henry* 8. *It was only the restoreing of him to his propper and originall power invaded by the popes of these later ages*) for [that title of *supreme head*, not only seemed to have some what in it

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of an innovation (as himself is forced to acknowledge in the following words) but really had an innovation in it of no small consequence as shall appeare.

But this title of *supreme head* gave offence both at home & abroad & therefore Queen *Elizabeth* did change it into this [*of supreme governour over all persons, as well in all causes ecclesiastick as civill*] & in these tearms it was keeped, & is to this day: But all this change, did not much help the matter; for many were offended even there at, and what wonder, seing it seemed to attribute to her Maj. no lesse spirituall jurisdiction & power then what the former oath did importe. Whereupon the Queen, in the first year of her reigne, after the Parliament had condescended on the forementioned oath published an admonition in her injunctions, of purpose, to explaine & interpret the sense & meaning thereof; & gave it this sense [*That nothing was, is or shall be meant or intended by the same oath, to have any other duty alleagiance or bond required by the same then was acknowledged to be due to the most noble kings of famous memory* King *Henry* 8. *her Maj. father &* King *Edward* 6. *her Maj. brother. That her Maj. neither doth nor ever will challenge any other authority, then that which was challenged, & lately used by the saids noble kings, which is and was of ancient time due to the imperiall crowne of this realme. That is under God to have the soveraiguity & rule over all manner of persones borne within these realmes, dominions & countreyes, of what estate either ecclesiasticall or temporall, soever they be; so as no other forraigne power shall, or ought to have any superiority over them.*] And this was confirmed by Parliament 5. Eliz. *cap.* 1. But neither did this remove the offence; for still the oath did import more then soveraignity over all *persones*, even over all *causes* also: and it was certaine that King *Henry* 8. did both challenge & use more power then that, & therefore the convocation of the clergy meeting *Anno* 1562. took notice of the offence, & saw a necessity of declareing another sense, for the satisfaction of all, & this they did Artic. 37. declaring & signifying, [*That there was no authority in sacred matters contained under that title, but that only prerogative, which had been given alwayes to all Godly prin-*

princes, in holy ſcriptures by God himſelf: viz. That they ſhould rule all Eſtates, and degrees, committed to their charge by God, whether they be Eccleſiaſticall or temporall, and to reſtraine with the civil ſword, the ſtubborn and evildoers, as alſo to exclude thereby the Biſhop of Rome from having any juriſdiction in the realme of England,] & this Article was aſſented unto, by the Parliament 13. of Eliz. c. 12. & is inſert in the ſtatute book. But, under favour, any may ſee that this covering was not ſufficient to hide the deformites of that oath as worded, for all the juriſdiction of the Biſhop of *Rome* was hereby excluded: now the Biſh. of Rome's power was more then civil, for it was eccleſiaſtick alſo; & the oath gave unto the Queen that which was taken away from the *Pope*: & more over, *ſupreme governour in cauſes eccleſiaſtick* importeth more then this explication doth. And therefore it had been much better, if no more had been intended, then this explication faifly taken, doth hold forth; to have changed the words of the oath & made them more conformable to the gloſſe: for every one who readeth & ſeeth this ſenſe will not be able to diſcerne an harmony betwixt them; the oath as worded holding forth more then the gloſſe & hence it was that for all this gloſſe, the English divines were put to much trouble to defend themſelves; & when ſorely preſſed with the words of the oath they ſeemed to be at ſome loſſe & diſadvantage; & were conſtrained to run from the words of the oath, unto the gloſſe, which is a ſufficient proof that if no more be intended by the oath, then what is held forth in the gloſſe giv̄, the oath ought to be otherwayes worded. & hence alſo it is that all the followers of *Eraſtus*, to this day, do look upon the Church of *Engl.* as wholly of their judgment, & this puteth ſuch divines as write againſt *Eraſtianiſme* to great paines, to ſearch out the meaning of the English divines, to anſwere that objection, & certanely theſe divines would have wished that the oath had been otherwiſe worded; So that adverſaries might have had leſſe ground to boaſt of the Church of *Englands* being of their judgment. Yea *Triglandius in diſſert. de Civil. & Eccleſ. pot.* Waveth the English divines, in this poynt, fearing poſſibly that he ſhould not be able to extricate himſelf out of the thicket of difficulties which he might ſee before

fore him, & therefore sayeth, *Cap.* 8. *Pag.* 154, & 155. *Controversiam Anglorum, i.e. We owne not the controversie of the Englishes with Papists, upon this subject as owrs; for we are not of the judgment of Papists; nor are we necessitated to defend our judgment, by the judgment of the English divines.* And again in his *Antapologia*, *Pag.* 726. *Col.* 2. *Quamvis non diffiteamur*, &c. *Though we cannot deny, but they (i.e. the Englishes,) in respect of the usurped hierarchie here, and the King's power over it, have extended the King's supremacy further then it ought to have been.* And *Apollonius* in his *Ius Majestatis*, *Part.* 1. *Pag.* 11. telleth us that [„ Some reformed divines in the heat „ of disput against the Papists out of hatred to the Roman hie- „ rarchy did turne a little out of the right way, & that they „ spoke according to the lawes of that Kingdome & common- „ wealth in which they lived. This especially is to be noted „ in those divines who wrote of the King's supremacy in the „ Kingdome of *England*. The learned have seen the writtings „ of *Lancelot*, *Tooker*, *Burchill*, *Thomson*, *and Salco-* „ *brig*, &c. And the writtings of their adversaries, who de- „ bated with them concerning the King's supremacy, & all „ who are not slaves in their judgments, unto the great ones of „ the World, may see clearly that there are failings on both „ hands.] And againe out of *Didoclave*, *Pag.* 43. he telleth us, [„ That albeit they did blote out the metaphoricall title „ of the head of the Church, lest it should give offence, & „ put in its place, *the Supreme Governour*; Yet the sense was „ the same; for *Henry* of *Salisburry* sayeth, That the King of „ *England* is the primat of the Church of *England*, & that he is a „ mixed person, having both Ecclesiastick & temporal Jurisdic- „ tion, & that in a supreme way: & proveth from the statute 1. *E-* „ *liz.* that the jurisdict. Eccl. which was, or might have been „ exercised, by any spirituall or Church power, for visiting „ the Ecclesiastick state & order, for reforming, bringing into „ order & punishing Churchmen, all sort of errors, schismes, „ abuses, offences, & enormities, within the Kingdome, is „ for ever annexed unto the Crown.] So that it is too too apparent that severall of the English divines run a further length

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& give a larger exposition of the supremacy: So dangerous a thing is it to admit of oaths, which must have strained glosses, & commentaries, for clearing of them; & which the words will not in a faire construction, bear: moreover if any consult the later actings of King & Parliament there in *England*, they shall see a far other sense put upon it; & such as plead for the present change of Church government there, walk much upon this supremacy; & particularly the author of *the grand case* asketh how any man who hath taken or is willing to take that oath, can speak against the King's power of setting up what forme of Church government he pleaseth in the Church; which whether it may not make Englishmen of a truely tender conscience scruple now, at the taking of that oath, let wise men judge.

Next as to the rise of this power over the Church, & the occasion of this oath in *Scotland*: seing it may sufficiently be gathered from the short historical narration of the government of the Church set down *Sect.* 1. a short recapitulation will be sufficient here.

In the confession of faith (which was ratified & approved by the Parliament, *Anno* 1560. & againe ratified & insert in the records *Anno* 1567) *cap.*25. the power in Church matters which is there given unto the civil Magistrat is in these words. [*That to them chiefly and most principally appertaineth the conservation & purgation of religion —— and they are appoynted for the maintenance of the true religion, and for suppressing of idolatry and superstition*] & in that same *Parl. An.* 1567, *Act* 2. there is an act which was made *Anno* 1560. ratified *ordaineing that the Bishop of Rome called the* Pope *have no jusisdiction or authority within this realme, and that none of his Maj. subjects, suite or desire title, or right of the said Bishop of Rome or his sect. to any thing within his realme under the paine of banishment*, &c. *and that no Bishop use any jurisdiction in time coming by the said Bishop of Romes authority under the paine forsaid*, whereby the Popes authority was quite rejected not only in civil matters, but in Church matters, & yet there is no expresse word of the Kings being invested with any such power.

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Anno 1568. There was one *Thomas Baſſenden* Printer in *Edinburgh* who did printe a book intituled *the fall of the Roman Church*, and in that book the King was called *the ſupreme head of the Church*. This gave great offence, & moved the generall aſſembly to cauſe call in theſe books, & to delete that title of the Kings. But all this did not perſerve the Church from incroachments, for when *Montgom.* pretended Archb. of *Claſgow* was proceeded againſt, the *King* ſummoned the whole ſynod of *Lothian* before him & afterward when this ſame *Mr. Montgomery* was ſummoned before the Nationall Aſſembly, there came a Meſſinger of armes from his Maj. to diſcharge the Aſſembly under the paine of rebellion & of puting of them to the horne, to proceed anyfurder; whereupon the aſſembly did complaine of this incroachment, *April* 27, *Anno* 1580. as ſuch the like whereof had never been made before. But this availed not for *Mr Balcanquell* & *Mr Dury* were ſummoned before the *Councell* for ſome freedome which they had uſed in preaching: Of this the Aſſembly did complaine againe, which occaſioned a conference betwixt the King & ſome Miniſters, the reſult whereof was [*That in all time coming the tryal of Miniſters doctrine ſhould be referred to Church Iudicatories as the only competent Iudge.*] But this was ſoon forgotten, for *Anno* 1581. *Mr Balcanquell* was againe accuſed, & the privileges of the Church were incroached upon, which did put the Church to ſupplicat *Anno* 1582. & complaine that, [„ His Maj. by advice of ſome conſellours „ was about to take the ſpirituall Power & authority upon him„ ſelf propperly belongeth unto Chriſt as the King & head of his „ church, & of the miniſtery; & the execution thereof unto „ ſuch as bear office in eccleſiaſticall government, ſo that in his „ perſon ſome men preſſe to erect a new Popedome, as if his „ Maj. could not be full King & head of the commonwealth „ unleſſe the ſpirituall as well as the temporall power ſhould be „ put into his hand, unleſſe Chriſt be bereft of his authority, „ & the two jurisdictions confounded, which God hath divided, „ which tendeth directly to the wrecke of all true relig.] & at their next aſſembly there was an article drawn up to be preſented unto his Maj. to this affect [„ That ſeing the juriſdiction of

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„ the Church was granted by God the Father, through our „ Mediator JESUS CHRIST, & given to thoſe only, who „ by preaching & overſeeing, bear office within the ſame, to „ be exerciſed, not by the injunctions of men, but by the on- „ ly rule of God's Word; That an Act of Parliament con- „ cerning the liberty & juriſdiction of the Church, be ſo „ plainely declared, that hereafter none other under what- „ ſoever pretence have any colour to aſcribe or take upon them „ any part thereof in placeing or diſplaceing of Miniſters of „ God's Word, in ſpirituall livings or offices, without the „ Churches admiſſion; or in ſtopping the mouthes of preach- „ ers, or taking upon them, the judgment or tryall of doc- „ trine, or of hindering or diſannulling the cenſures of the „ Church, or exeeming any offendour therefrom.

By the endeavours of theſe faithfull worthies, any may ſee what a Spirit was ſtirring then, when the King would aſſume to himſelf ſpirituall power & authority, & ſo rob *Chriſt* of that which belongeth to him, as King & head of the Church; & make himſelf a Pope & the fountaine of all power & juriſdiction, both civill & eccleſiaſtick, & challenge power, to give commiſſion for depoſeing & ordaineing of Miniſters, & hinder free preaching, to try & cenſure doctrine, & to anull all Church cenſures as he pleaſed. This was the Spirit that was then ſtirring at court, & this is the ſupremacy to the life, & this was it which court paraſites ſaid, did belong unto the crown, let the Church, ſay & do to the contrary what ſhe could. Hence a little after this *Mr Melvin* was accuſed for his ſermon, & after he had declined the King & his Councell as incompetent judges in that cauſe, was forced to withdraw to *Berwick*, for fear of his life.

Anno 1584. The Parliament which was ſuddainely convocated did put the copeſtone upon this buſſineſſe, & gave the King in forme what he had aſſumed to himſelf formerly upon the matter, & in their very firſt *Act* give him *Royal power and authority over all Eſtates as well ſpiritual as temporal, within the realme.* And *Statute and ordaine that he and his heires or ſucceſſours be themſelves, and their Councels in all time coming, judges*

competent to all persones of whatsoever Estate degree, function, or condition they be of, spirituall or temporal, in all matters —— & that none decline their judgement in the premisses under the paine of treason. From this supremacy flowed the impowering of Bishops with Church jurisdiction, as commissioners from the King, so that when the King wrote unto a Prelat he stilled him, *Our beloved Clerck & Commissioner in Ecclesiastical causes.* So that by this supremacy, the power of Church jurisdiction was made propper to the King, & the exercise thereof was committed by him, to whom he would.

After this blast was something blown over *Anno* 1592. Papists & others at court stirr up his Maj. against the government of the Church, so that when the commissioners of the Generall Assembly had met, & had sent some of their number to shew the King what offence was taken, at his calling home the Popish Lords, he was offended & asked how they durst meet without his warrand. But *Mr Andrew Melvin* answered, [„ That there were two Kings & two Kingdomes in *Scot-*„*land*, & that *Christ* was a King, & the Church, his King-„dome, & that he himself, was a subject unto *Christ*, & „ a member of his Church & neither head nor King thereof & „ that the spirituall office bearers, to whom he had commit-„ted the government of his Church had power & warrant to „ conveen.

But the King went on, & told the Ministers thereafter, [„ That there should be no agreement betwixt him & them, „ untill the marches of their jurisdiction were rid, & that they „ might not speak in pulpit of the affaires of the Estate or Coun-„cell, & that no Generall Assembly should meet without his „ special command, & that Church judicatures should meddle „ with fornication & such like scandalls, bnt not with causes „ whereupon his lawes do strick.] & shortly thereafter *Mr Blake* was summoned & did decline, & his declinature was owned by severall hundereds of Ministers: when King *Iames* saw this he laboured to ensnare the Ministery & therefore invented the bond which was mentioned *Sect.* 1. *Pag.* 27. whereby any may see what was intended & designed. But when he is in possession

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of the crown of England then the poor Church findeth his hand heavier then formerly; for *Anno* 1606. Six Ministers were convicted of treason, & condemned for declineing the councell as an incompetent judge in matters ecclesiastick, & all by vertue of the *Act* of *Parl.* 1584. And the Parliament which did meet that yeer 1606. to make all sure, *did acknowledge his Maj. soveraigne authority, princely power, royall perogative, & privilege of his crown over all Estates persons and causes whatsoever* —— *and ratifieth approveth and perpetually confirmeth the same, as absolutely amply and freely, in all respects and considerations, as ever his Maj. or any of his royall progenitours Kings of Scotland, in any time by gone, possessed, used and exercised.* Thus was the copestone of this supremacy put on againe: And at that pretended assembly at *Glasgow Anno* 1610. it was acknowledged that, *The indiction of the Generall Assembly did appertaine unto his Maj. by the prerogative of his royall crown.* And it was ordained that the oath (which is set down before pag. 37. be sworne by all ministers at their ordination: & the Parliament which conveened *Anno* 1612. ratified all this. And finally *Anno* 1633. in the 1 *Parl.* of King Charles, Act 3. that Act which was made *Anno* 1606. was againe ratified & this conclusion was drawne from it, that he hath *power to prescribe what apparell he thinketh fit for Kirk men*, which was done of purpose for this end that his Maj. might with greater facility get the use of the *surplice* by Ministers, established by law and practised.

And now by all this, any may see what is the nature of that supremacy which the higher powers have been all alongs grasping after & which the faithfull servants of Christ have been withstanding according to their power.

But in the last place, the sense & meaning of this late Parliament which did tender the oath, must be sought out of their acts & actings, & out of some commissions granted by his Maj. & thereby it shall be seen what ground there was of scrupling at the oath & how the feares of such as did then scruple at the oath were not groundlesse seing the after actings of king & Parliam. have abundantly confirmed the apprehensions, which such had

of their giving to the King, & of his taking, more power in Church matters then themselves would then acknowledge or confesse did belong to him. Now for clearing what power was then & is now assumed by & given to the King in Church matters these particulars may be noticed.

1. When these Six or Seven Ministers who were cited before the Parliament had offered a sense, in which they would willingly have taken the oath, they could not be heard, though they granted unto him in their sense offered, as much power in Church matters, as the word of God, the confessions of faith, both of the Church of *Scotland* & of other reformed Churches did allow; for they did grant that his soveraignity did reach ecclesiastik causes objectively, though in its own nature it was alwayes civill, & extrinsick. But this did not satisfie & therefore it was evident enough that they did intend some other thing by that oath, then every one could well see.

2. In the 4. *Act* of their first session it is made a part of the Kings prerogative, „ That none of his heighnesse subjects, of „ whatsoever quality state or function, presume to convocat, „ conveen, or assemble themselves for holding of councells, „ to treat consult & determine, in any matter of state, civil or „ ecclesiastick, (except in ordinary judgments) without his „ Maj. speciall command, or expresse license, had & obtained „ thereto under the paines, &c. By which it is apparent that they will have no Church judicatories without his command or license otherwise his prerogative is violated, & so it is a piece of his perogative & supremacy, to have all these assemblies depending so upon him, as civill meetings do, that is, that they shall be null without his expresse consent and command; for this part of the act is in every word conforme & relative to, that black act *Anno* 1584. viz act 3. *parl.* 8. King *Jam.* 6, by which all Church judicatories which had been set up conforme to the second book of discipline viz sessions presbyteries, & synods, were discharged.

3. In the 16 *Act* of the first session concerning religion and Church government they say. [„ That as to the government „ of the Church his Maj. will make it his care, to setle & secure

the

„the same in such a frame, as shall be most agreeable to the „word of God, most suiteable to monarchicall governement, & „most complying with the publicke peace, & quyet of the „Kingdome, & in the meane time his Maj. with advice & „consent foresaid doth allow the present administration, by „sessions, presbyteries, & Synods.] So that by this act it is clear, that they think that there is no particular forme of Church government set down in the word. 2. That every nation is left at liberty in this, to choose what forme they will, as most suiteing to civil government & complying with the peoples temper. 3. That he is judge of what forme of government is most agreeable to the word of God. 4. That this governement must be some other government then that which is by Sessions, Presbyteries, and Synods, which is but allowed in the *interim*.

4. There is a commission or act from his Maj. for a Nationall Synod, ratified by Parliament in their second Session, which is worth the noticeing, the Act is thus worded; [„For „as much as the ordering & disposall of the externall govern- „ment of the Churh, & the nomination of the persones by „whose advice, matters relating to the samine, are to be „setled, doth belong to his Maj. as an inherent right of the „Crown, by vertue of his prerogative Royall, & supreme „authority in causes Ecclesiastick: And in prosecution of „this trust his Maj. considering, how fit & necessary, it is for „the honour & service of almighty God, the good & quyet of „the Church, & the better government thereof in unity & „order. That there be a *National Synod* & *Assembly* duely „constitut within this kingdome. Hath therefore appoynted & „declared, & by these presents appoynts & declares. That „there shall be a *National Synod* of the Church of *Scotland*: „And that this Synod for the lawfull members thereof shall „consist & be constituted of the Archbishops of *St Andrews* & „*Glasgow*, & the remanent Bishops of these two Provinces, „of all Deanes of cathedrall Churches, Archdeacons, of all „the moderators of meetings for exercise, allowed by the „Bishops of the respective dioeceses, & of one Presbyter or „Minister of each meeting to be chosen & elected, by the

„ moderator & plurality of the Presbyters of the same; And „ of one or two from the Universitie of *St Andrews*, one from „ *Glasgow*, one from the *King's* colledge, one from *Marshells* „ colledge of *Aberdeen*, & one from *Edinburgh*: And this „ Synod thus constitut, is to meet at such times, & in such „ places as his Maj. by his proclamation shall appoynt; And „ is to debate, treat, consider, consult, conclude, & deter- „ mine upon such pious matters, causes, & things, concern- „ ing the doctrine, worship, discipline, & governement of „ this Church, as his Maj. under his Royal hand shall deliver, „ or cause be delivered to the Archbishop of *St Andrews*, & „ president of the said Nationall Assembly, to be by him of- „ fered to their consideration,

„ The Estates of Parliament do humbly recognosce & ac- „ knowledge his Maj. Royall power & prerogative afore said, „ with the piety justice & prudence of his Maj. resolution there- „ in: Like as his Maj. with their advice & consent doth here- „ by establish, ratify & confirme this constitution of a Natio- „ nall Assembly, as the lawfull constitution of the Nationall „ Synods & Assemblies of this Church: His Maj. or his Com- „ missioner (without whose presence no Nationall Synod can „ be keeped) being alwayes present: & declareth that no Act „ canon, order or ordinance shall be owned as an ordinance of „ the Nationall Synod of the Church of *Scotland*, so as to be „ of any effect force or validitie in law, to be observed & keep- „ ed by the Archbishops, Bishops, the inferiour Clergy, & „ all other persons within the realme, as far as lawfully, being „ members of this Nationall Church, it doth concerne them, „ but that which shall be considered, consulted, & agreed upon, „ by the president & major part of the members above speci- „ fied. It is alwayes hereby provided that nothing be enact- „ ed or put in execution by authority of a Nationall Synod, „ within this Kingdome, which shall be contrary to his Maj. „ Royall prerogative, or to the lawes of the Kingdom & that „ no act, matter or cause be debated, consulted, & concluded „ upon, but what shall be allowed, approved & confirmed

by

„ by his Maj. or his Commissioner present at the said Nationall „ Synod.

In which Act these things are remarkable 1. That Church Assemblies may not meet without his warrand. 2. The King or his Commissioner, are assentiall constituent members thereof. 3. That the King hath power to appoynt the very constituent members of the Synod. 4. Ruleing elders are excluded out of Church judicatories. 5, That the constant moderator hath a more then ordinary voice in the *exercise*; for the member to be chosen there, must be elected by him, & the major part of the rest. 6. Nothing can be agreed upon without the consent of the Archbishop of *St: Andrews*, & thus he hath a negative voice. 7. Nothing must be debated either concerning doctrine, worshipe, discipline or government, but what his Maj. pleaseth. 8. Nothing must be concluded but what his Maj. or his commissioner doth approve & confirme. 9, All this is founded on his supremacy. 10. And his *supreme authority over all persones, & in all causes*, & his *prerogative royall*, are declared to be all one.

5. There is another commission granted for the *heigh commission* a part whereof followeth.

Our Soveraigne Lord ordaines a commission to be passed & exped under his Maj. great seall of the Kingdome of Scotland *making mention, That in consideration of the multiplicity & weight of Church affaires, & of the Estate, incumbent upon the Lords of privy councell, so as they cannot attaine the due execution of the lawes -- & to the effect that the disorders & contempt of authority --- may be timeously suppressed --- His Maj. by vertue of his prerogative in all causes, & over all persons, as well ecclesiastike as civill; has given & granted, like as his Maj. by the tenor hereof giveth & granteth full power & commission to the Archbishop of St Andrews. The Lord chancellour L. treasurer, archbishop of Glasgow, Duk Hamilton, Marques of Montrose &c. --- or any five of them, an Archbishop or Bishop being one of the number --- To summon and call before them, all -- contemners of the discipline of the Church, & for that cause suspend deprive, and excommunicat all keepers of conventicles, &c. -- to appoynt mini-*

sters to be censured; by suspension and deposition; and punished by fineing, confineing, and incarcerating them, and all other persons who shall be found transgressours as aforesaid; &c.

Out of this Act, these things are remarkable. 1. Here is a mixed court made up of Church men & civill men. 2. A court medling both with civill & ecclesiastick punishments, for they have power of deposeing, excommunicating fineing and imprisoneing. 3. A court founded upon his Maj. prerogative in all causes, & over all persons, as wel ecclesiasticke as civil. 4. An Archbishop or Bishop is *sine quo non* & one of those with four others may do all themselves.

By what is said, something of the meaning of this oath, according to their sense who tender it, may be discovered, & the businesse being so clear much time needeth not be spent, in handling that long & tedious controversie concerning the Magistrats power in Church matters: Onely a hint at some few things, as reasons why this oath thus tendered & explained, could not be taken, will be sufficient.

1. By this meanes, they should upon the matter have affirmed, that the King was *head of the Church* for it is clear that he assumeth to himself power of appoynting new officers in Christ's house, & new courts & judicatures, which Christ did never appoynt, & of committing Church power to whom he will; of appoynting what forme of Government in the Church, he thinketh fit; modelling the constitution of Church judicatories, appoynting who shall be members, & who not, & who members *sine quibus non*, of limiting the bounds of their procedour, by appoynting what they shall treat of, & what not; of puting life in their canons & constitutions, &c. Thus all Church power shall flow from him, & he shall become the head of the Church, under Christ, the same way that he is head of the commonwealth under God: And indeed the prelats & their creatures, are not ashamed in their publick prayers, to stile the King *head of the Church.* Now could any faithfull & zealous Christian or servant of Christ, consent unto this dreadfull incroachment & usurpation, by subscribeing any oath which might import the same? Who can but hear of it, & his heart not

tremble

tremble: Let all the arguments which the reformed divines make uſe of, againſt the uſurped headſhipe of the *Pope* be conſidered & they will, with equall ſtrength, militat againſt this uſurpation, & juſtifie the refuſeing of this oath upon that account: yea *Arminius* himſelf *diſp. de pontif. Rom. Theſ* 3. ſayeth that *the Church hath but one head, otherwiſe she should be a monſter.*

2. By this meanes, they should upon the matter licke up popery which they have abjured againe & againe, for none will ſay that they have abjured ſuch a piece of popery, only as it was ſeated in the head of the man with the treeple crown that ſitteth at *Rome*, & not ſimply in it ſelf as a blasphemous tenent: No reformed divine writeth againſt the *Popes* ſupremacy & headſhipe, as a power uſurped by him, to the prejudice of ſome one prince or other; but as a heigh & inſolent uſurpation of that, which belongeth unto him who is King of Kings & Lord of Lords, for this were not to ſpeak againſt an incroachment made upon the privileges & prerogatives of the King of his Church, but againſt ſome civil wrongs done to a neighbour prince or ſtate: & indeed the adverſaries are not ashamed to ſay that the *Pope* in his uſurpation of this Church juriſdiction, wronged not Chriſt; but more immediatly the King & Princes, unto whom that power did belong of right before & therefore, they ſay, that King *Henry* 8. aſſumed but his own back againe & that he neither took, nor did the Parliament give him, any new power which did not belong to him before: So ſaid *Heylyn* as was showne. But if any should aſſent unto this they should conſent only unto the change of the *pope* but not unto the change of the *Popedome* & should shake off an *eccleſiaſticall Pope* & ſubmit unto a *civil Pope*: For *Zepperus* ſpeaketh with reaſon, when he ſayeth, *Polit. Eccleſ. Lib.* 3: *c.* 13. [„ *Quando tota Doctrinæ & cultus &c, i. e.* „When all the matter of Doctrine & worship, as alſo of the con- „ſtitution of the Church is ordered according to the pleaſure of „ the Prince alone; the counſell & advice of the miniſters of „ the word, & of their ſynods, being deſpiſed; & when ſuch are „declared rebels who will not aſſent unto all that which theſe po- „litirians do, & when the whole Government of the Church is

„ made over to them almost by an apostolick authority, who „ only exerce an externall & politicall power on the outward „ man: Then doth themagistrat goe beyond his bounds, & the „ Popedome is not taken away, but changed; yea & made two- „ fold worse] yea & the *Arminians* in their *apologie* do call this *the very heart & marrow of Popery which being granted all his other usurpations do necessarily follow.*

3, By this means, they should grant that ministers, in the very discharge of their ministeriall function, are subordinat unto the supreme Magistat & his power, acting under him, as his servants & commissioners. This is clear in the exercise of jurisdiction & discipline: The prelats are his Maj. Commissioners in matters of discipline, they receive their commission from him, to depose, to silence, & to excommunicate; & so also they must Acte as his commissioners in lesser censures, as in publick rebuking for sin, & the like: & seing both the keyes of doctrine & discipline were given at one, if the key of jurisdiction or discipline come from Christ mediatly, & from the King immediatly, so must the key of doctrine, for the scripture sheweth no distinction, & none may separat the keyes, which Christ hath tyed together: & thus every minister must come forth, & preach, exhort, rebuke, censure, & excommunicate, not in the name of Christ immediatly, but in the name of the King. But to this they could not assent, & therefore they could not take the oath.

4. By this meanes, they should grant that the supreme Magistrat himself, might, immediatly in his own person, rebuke publickly the scandalous, debarr from the sacraments, depose, suspend & excommunicate; for what his commissioners do, by vertue of a commission from him, that he may do himself immediatly, But this could no be yeelded to; there being not the least warrand for it imaginable out of the word, but much against it: & therefore none, except an *Erastian* or *Arminian* will condemne such as refuse an oath which would import this, see *Voetius de politia eccles*, *pag.* 146. *arg.* 12.

5. By this meanes, they should have, upon the matter,

opened

opened a door unto the King's bringing into the Church, what popish rites & externall superstitious ceremonies, he pleaseth: By the act for the nationall synod he hath, as an inherent in the crown, the ordering & disposall of the externall government of the Church, & power to settle all things concerning doctrine, worship, discipline & government, by the advice of the *nationall Synod* which is but as his Councell, so that the whole power of ordering, & setling the matter of the worship, is in his own hand: & it was upon this ground that the former prelats did warrand their use of the ceremonies: his supremacy was a basis unto this: So said *Camero* in his *præl. Tom.* 1. *pag.* 370. 371. & *Tom.* 2. pag. 41. That *in all things perteineing to externall order in religion, Kings may command what they will pro authoritate.* And thus they should consent unto opening of a door unto all the trash of Rome, & the significat ceremonies that are there: for if the King have such power, what ceremony may he not bring in? & who is there to controle him in any thing of that kinde? who may ask whether lawfull or unlawfull, seing no question he himself will call all that which he doth, most lawfull; & he is not without the compasse of his power, or authority, or calling, when he appoynteth the use of those ceremonies, if he be thus *rector Ecclesiæ.* Now who can acknowledge that any such power doth belong unto the supreme Magistrat, to institute any significant ceremony, or part of God's worship? this being the very sin of *Jeroboam.* 1. *King* 12: 28, 33. It was his fault to devise of his own heart, those ceremonies of sacred signes, places, or persons & times. And therefore they could not take such an oath & be guiltnesse.

6. By this meanes, they should have granted that he had power to change the whole frame of religion, & so give way unto his bringing in the whole body of popery, or what he would; for by this oath he should have granted unto him, the supreme power in matters concerning doctrine, worshipe, discipline & government. It was charged upon the Church of *England*, by some adversaries, that the great alteration of their religion that was made from popery to the truth & back againe to popery, & so forth in the dayes of *Henry* 8, *Edward* 6.

6. *Mary* & *Elizabeth*, in the space of Thirty years, was grounded upon, & occasioned by that which is contained in this oath; for by vertue of this oath, these severall Kings & Queens took upon them, to alter & change as they thought good: & this is ordinaryly seen in supreme powers, when they begin to usurpe. So that it is a sad truth which *Calvin* hath in his *comment* on *Amos*. cap. 7. v 13. *& hoc sacrilegium, &c. i. e. & this sacrilege rageth & prevaileth with us, because they cannot keep within lawfull bounds but they think they cannot reigne, unlesse they take away all the authority of the Church, & become the heigh est judges as well in doctrine as in all the spirituall government Therefore the devil gave to Amaziah this counsell —— a mediocrity should therefore be keeped because this desease hath alwayes been in princes, that they would make religion bow according to their owne lust & pleasure.* And this is a part of the *Cesario-papatus* the state papacy of which *Wigandus* in his 13 evill complaineth viz. *That they set up a new forme of religion.* And now seing doolfull experience proveth how ready princes, & Magistrats are, to goe beyond bounds, & to arrogat to themselves more then is allowed, is it fit for Ministers or Christians to blow at that coale of ambition, by asserting in words as much as they desire? They do not much value the glosses which any may devise afterward, to cover the shame of their nakednesse: were it not better to hold back such as run too willingly of their own accord, to the ruine of religion, & the interests of Christ? It cannot then be saife, for any to have a hand in setting up a *state Antichrist* to the ruine & destruction of the Church of *Christ*. And though the gracious disposition of the prince should be otherwise set, & he should not abuse his power to the hurt of religion; yet no thankes to his sycophants who ascribe such power to him, as, if put into act, would ruine religion & the Church of Christ, & which of its own nature tendeth thereunto, if it meet not with accidental stops: whatever may be said of the power of the supr. Mag. concerning determineing & appoynting what religion shall be publickly professed within his dominions, yet this power agreeth not to him by vertue of his supremacy in Church matters, but by vertue of his supreme Magistraticall power by which

which he is to have a care of all publicke things: But this supremacy in Church matters, is a far other thing, for it giveth intrinsicke & Architectonicke power in Church matters, & this agreeth only to the Lord Jesus, who is the alone head of the Church & therefore it cannot be said to belong unto the supreme Magistrat.

7. By this oath they should grant that the civill, magistrat as such, should be a Church member; because he who hath a chief hand in Church affaires, cannot but be a Church member: he who is a chief member in Church judicatories, cannot but be a Church member: He who hath Church power cannot but be a Church member: & he whose commissioners Ministers are in Church administrations, must certanely be a Churchmember: Now all these they give unto the King not as a Christian, but as a King; for they annex them unto the crown, and make them part of the royall prerogative. But this cannot be assented unto, for then every heathen Magistrat should be a Church member, because a heathen Magistrat is a Magistrat, as essentially, as a Christian Magistrat: Christianity addeth no Magistratical power, it maketh not one more a King or a magistrat, then he was; it only qualifieth & inableth him for the right administration, or execution of the power, but addeth no new power. Moreover magistracy hath nothing to do, either with the matter or with the forme of Church membership, reall grace & union with Christ maketh one a member of Christ's mysticall body; & serjous profession of the true religion, maketh one a member of the visible Church, but magistraticall power, honour, & dignity hath no intereſt here, no such thing commendeth a man to Christ.

8. By taking of this oath, they should have said that the civil magistrat as such, is a Church officer, because as he is in possession of the crown & of the royal prerogatives thereto annexed, he hath the disposall of the externall governement of the Church: No nationall Synod can hold without him, none of their acts hath the power of canons without him: He hath power by his commissioners civil & ecclesiastick persons, to excommunicat

municat, depose, & suspend ministers, &c. But this cannot be granted; for then. 1. Heathen magistrats should be Church officers. 2. Such as are not Church members should be Church officers. 3. Women should be Church officers, for such may be Magistrats. 4. Then no magistrats should be chosen, but such as have the qualifications requisite in a Church officer. 5. There is no ground or reason which can be given for this. 6. There should be no Church officer but such as are mentioned in the gospell; & among all the Church officers mentioned in the gospell there is not one word of him.

9. By taking of this oath they should say, Not only that the supreme magistrat as such, is a Church officer; but that he is a Church officer of the heighest degree; the supreme Church officer next under *Christ*, for he is put above all the ordinary Church officers, who act only in subordination unto him: pastors & Doctors are but his commissioners, & have their power from him, & must be accountable to him, in their administration. But certanely this cannot be true, for then. 1. This must be also affirmed of a heathen: for *a qua tali ad de omni valet consequentia.* 2. It is not credible that Christ should have appoynted such an eminent Church officer who was to continue unto the end of the world & never shew us how he should be called, nor what his qualifications should be, nor the way of his ordination, nor his work. 3. Then women & children might be such eminent Church officers. 4, Or none should be supreme Magistrats, but such as are fit for such an eminent Charge in the Church. But both these are false..

10. By taking of this oath, They should lay the foundation of a lasting confusion betuixt Church & state. God hath been pleased in all ages, to set clear & distinct limits, & bounds, to each of those, that they might not be confounded or mixed together: In the old testament there was a clear difference betuixt the two, & so in the new testament: Divines writting against *Erastus* have made it clear that they are distinct *toto genere*; both in the fountaine of their power, in the subject

matter,

matter, in the manner of working, & in the neareſt end deſigned, & many ſuch like: ſo that it is needleſſe to ſay any thing of it here. Now in aſſerting this ſupremacy they should lay the ground of this confuſion, & yeeld that a Church as a Church should be a commonwealth & a commonw. *eo ipſo* that it is a commonw. shoud be a Church, becauſe a ſupreme governour in Church matters hath reference unto a Church, & a ſupreme governour in civil matters, hath reference unto a commonwealth: & ſo make the ſupreme governour of the commonwealth, upon that account that he is ſuch a ſupreme governour, the ſupr. gov. of the Church & then *de ipſo* that he is the ſupreme governour of the commonwealth he should have reference unto the Church, & ſo a Church should be a commonwealth, & a commonwealth a Church, which is moſt falſe. Moreover this new *commiſſion court* is another ſpeaking evidence of this mixture flowing from this ſupremacy; for in that court Church officers meddle with civil matters: & ſtate officers meddle with Church matters & both do ſo, as they are ſuch & ſuch officers, & as his Maj. commiſſioners and therefore they could not aſſent unto this. That which *Luther* ſayeth *in reſponſo ad Melanth. de ceremonijs*, cited by *Voetius ubi ſupra* pag. 174. Is worth the marking *Seing it is certane that theſe adminiſtrations are diſtinct viz. the eccleſiaſtick and politick, which Satan did confound by Popery we muſt watch and ſee that they be not againe confounded --- and if we ſuffer this we should be guilty of ſacrilege, and we muſt rather choiſe to die then ſin* ſo ſee further what he citeth out of *Olevianus pag.* 179. *and* 180.

11. By taking of this oath, they should grant that the magiſtrat as ſuch is a propper & competent judge in Church matters, a propper & competent judge of miniſters, of their doctrine, & of other Church matters; becauſe it was upon this ground, of faithfull miniſters their declineing of the King's & his councell their judgement, in Church matters, that the Parliament 1584. Did grant unto the King this ſupremacy. It was intended for this end, that he might have power to call, convent, judge & ſentence Miniſters for the faithfull diſcharge of their duty, & exoneration of their conſciences, as

their

their lawfull, formall & competent judge in Church matters; though under the notion of treason & sedition. Moreover he is made propper judge of what is the best forme of Church Government, of what is the best constitution of a Church judicature, & what are the most fit & lawfull acts & conclusions or canons of Synods: & he is made propper judge in matters deserving excommunication, suspention & deposition, & all these are Church matters. Now the falshood of this is so satisfactorily discovered by divines that none can be blamed for refuseing an oath, which would import an assenting unto these things as truths. Sure every Magistrat is not fitfor such matters; & should no other be a Magistrat but he who is fit for such questions? Where is there any precept or precedent for this? What need is there then for Church Officers for Church matters if the civil Magistrat may do all? see learned *Voet polit Eccles. pag.* 146. *Arg.* 12. yea if they had taken this oath, they had condemned their worthy predecessours who took their hazard, & declined the judgment of the civil Magistrat in Church matters, & should justifie the severe sentences of imprisonment confinement, & banishment, which passed against them; & should assent unto the lawfulnesse of all these acts, which established iniquitie & tyranny by law: And how could they have done this with a good conscience?

12. By taking of his oath, they should grant that Ministers in the discharge of their Ministeriall function, were not under *Christ* immediatly but under the Magistrat; for as his commissioners they sit in the *high Commission* court & are accountable to him, for their maladministration, & so are immediatly under him, as their immediat superiour & Master. But this they could not grant. Seing 1. As was said, these two powers are *toto genere* distinct, & so there cannot be a subordination amongst them. 2. There is no warrand for Ministers receiving of instructions from the Magistrat. 3. Nor for any civil *Pope* more then for a *Church Pope*. 4. Ministers in scripture are said to have immediat relation unto, & commission from *God*, & not from the Magistrat therefore they are called *priests of God*. 2. *Chron.* 13: 9, 12, *Men of God*, 2. *Pet.* 1: 2. *Tim-*

2. *Tim.* 3: 17. And are commissionated from *Christ Luk.* 10: 2. *Mat.* 20: 2. & 21: 34: 25. & 22: 2, 3, 10. & 24, 45. *Isa.* 6. *v.* 8. *Ioh.* 20: 21. *Gal.* 1: 1. & not from the Magistrat. They acte in the *name of Christ*, & by *power from him.* 1. *Cor.* 5. But there is enough spoken to this by judicious *Wallæus* & others writting against *Vtenbogard* & other *Erastians* which will abundantly justifie the refuseing of this oath: see further learned doct. *Voetius de polit Eccles. pag.* 145. *Arg.* 10.

13. By the taking of this oath thus tendered, they should grant that the supreme Magistrat is exempted from subjection unto the Ministery of the messingers of the Lord; for if Ministers in their Ministeriall function, acte as commissioners from him, & as accountable to him; then in the same administration they cannot be above him; a commissioner in the particular wherein he is a commissioner, cannot be over him whose commissioner he is. But this they could not grant; because there is no warrand for this exemption. Kings of old were not exempted from rebukes, & all are commanded to obey such as are set over them. *Heb.* 13: 17. no King is excepted: Emperours have submited unto discipline. Therefore they could not take this oath.

14. By taken of this oath, they should yeeld unto many palpable & intolerable incroachments made upon the liberties & privileges of the Church of Christ, Which could not be done without great sin & iniquity: As 1. That there could be no Church judicatories or assemblies without his warrand or expresse consent for in the act concerning the acknowledging of the royall prerogative, among other things annexed to the crown, this is one, *the conveening of his subjects*, & this is explaned Act 4. Where it is ordained that none *of his subjects conveen for holding of* ——— *Assemblies, to treat Consult & determine in any matter* ——— *ecclesiastick:* And upon this ground doth the act concerning the nationall Synod goe: And upon this ground did King *Iames* take upon him to prorogate assemblies either to definite or indefinite times, as he thought good. Now no faithfull Minister or Christian could assent to this: Because 1. Whatever may be said upon the

grounds of prudence at some times; yet when the busſineſſe is ſpoken to, as a caſe of conſcience, & according to the rule of the word, this is true, that though the Church be in the commonwealth yet she is a diſtinct ſociety from the commonwealth, & hath power from Chriſt, to hold her own meetings & Aſſemblies, for her own government, as she did while she was under heathen Emperours in the dayes of the Apoſtles. 2. It hath been showne before what is the judgment of the Church of *Scotland*, in this particular, in their preface to the confeſſion of faith. 3. There is no expreſſe command either for ſeeking or having his expreſſe conſent. The reformers of the Church of *Scotland* never once thought of this, but as oft as conveniently they might, & as neceſſity urged, they keeped Aſſemblies, not only without the conſent of the ſupreme Magiſtrat, but oftimes againſt their will, thinking it their duty to Aſſemble for the relief of the Church ay untill ſome difficulty were laid in their way which they could not win over, untill ſome phiſicall reſtraint, or ſome what equivalent were laid upon them. 5. It would neither be fit nor ſaife, for them to condemne the worthies who ſtood ſo zealouſly for the truth, & keeped that Aſſembly at *Aberdeen*, which occaſioned their banishment. 2. That the power of convocating & indicting of Synods & Aſſemblies doth belong only unto the Magiſtrat. The act for the *National Synod* doth abundantly cleare this. But to aſſent to this were a palpable wronging of the Church which hath intrinſick power for this, & needeth not goe out of her ſelf to ſeek it. The Synod which did meet *Act* 15 was not indicted by any civil Magiſtrat. The Church should then be in an irremediable caſe when the civil Magiſtrat is an enemy; but God hath provided meanes for the ſaifty & preſervation of his Church, Even when the higher powers are but ſmall friends unto her, (as oftimes it falleth out) ſee the judicious & learned doct. *Voet: de Pol: Eccleſ: Pag.* 184. *Quaſt:* 5. 3. That the power of delegating unto aſſemblies doth belong to him alone, ſo as he may appoynt all the conſtituent members thereof, according as he pleaſeth, as the Act for the nationall Synod ſayeth, he doth; & that by vertue of his

his supremacy. But this were a grosse wronging, & robbing of Churches, of their power & privilege, of delegating such, as they think fit, according to the Example of *Antioch* sending *Paul* & *Barnabas* to that *Synod Act* 15. & the practice of the Church in all ages see *Voet: ubi supra Pag.* 187 *Quæst.* 7. & 8. Yea if so the persones delegated should vote in his name & not in the name of Christ, or of the Church: & the meeting should not be a pure Church meeting but either wholly *politicall*, or else *politico-ecclesiasticall*. 4. That he might dissolve Church assemblies, & Synods when he pleaseth for the fore mentioned *Act* for the *Nat. Synod* warrandeth them to meet only at such times, as he pleaseth: But this were a great wrong done unto the Church privileges: See *Voet. ubi supra Pag.* 190. *Qu.* 13. & 14. Synods should be no helps unto the poor Church if they might sit no longer (what ever necessity might urge) then his Maj: thought good to suffer. There is no warrand for any such dependence of Church judicatories upon the civil Magistrat's discretion. If Christ hath allowed Synods to his Church for determineing in Church affaires, he hath allowed them to sit untill they finish the busines for which they did assemble: Yea if they should yeeld to this they should condemne the assembly at *Glasgow* 1638. which did sit untill they had ended their business, notwithstanding of a command to dissolve. 5. That his presence or the presence of his commissioner is necessary unto each nationall assembly, for the *Act of Parliament* ratifying the *Act for the nationall Synod* sayeth expresly that *without the presence of the King or of his commissioner no nationall Synod can be keeped*. But 1. there is no law of God for this. 2. The Synods in the primitive times, were held without his presence. 3. There were many generall assemblies held in *Scotland* without his presence. 4. The Magistrat as such is no constituent member of the Synod, & therefore his presence is not necessarily requisite see *Voet: ubi supra Pag.* 188. *Quæst.* 9. 5. If there be such a necessity for his presence at *nationall Synods*, he must not be absent from lesser assemblies; & thus there shall be no Church judicature held without his presence, which were most absurd: See what the learned & famous

Voetius sayeth to this *Pol. Eccles. Part.* 1. *Pag.* 199. 200. 6. That Ministers have no proper decisive suffrage in Synods, because the forecited Act sayeth, That matters are to be setled only by their *advice*, So that in their Synod they are only the King's counsellers conveened to advise & consult, & a power only to advise, is no decisive suffrage: & so the Act concluded, is the deed of the supreme Magistrat following their advice, & is not their deed. Now this is most absurd & destructive to all Synods, & of all their power: & thus it should be far worse with Synods now, when Magistrats are Christians then when they were heathens. Moreover there is no warrand for his having with the rest of of the commissioners, a voice in those Synods, far lesse, for his having the whole power. It is clear that as a Magistat he can have no suffrage or voice in these Synods; for then heathens who are no way qualified for such a business should have it likewise, Yea if it were so, all the determinations of Synods should be civil Acts, & no Church Acts, being done by one who is no Church officer, yea nor a Church member, as such, let be a Church judicature. This was *Episcopius* the Arminian his judgment in disput. *de jure Magistratus circa sacra Thes.* 16. viz. *that he may convocat assemblies, choose members, prescribe lawes unto them, & the way of procedour, aske the suffrages, & either peremptorily enact, or approve what is done, that it may passe into a law:* see *Voet. ubi supra, pag.* 191. *Qu.* 16. 7. That the judicatories of the Church be prelimited: for nothing may be enacted by the *nationall Synod* which is contrary to his Maj. royal prerogative; or to the lawes of the land, so sayeth the Parliaments ratification of the Act for the nationall Synod. But what if iniquity be established by a law; & what if Christ's royall prerogatives be taken from him & given to the King? shall the Church in her judicatories do nothing for the truth? shall she give no testimony against these usurpations? shall the lawes of the land & the King's prerogatives be her *Cynosura*? what use shall be made of the word of God then? where is there any such caution or limitation given to the Church? But enough of this. 8. That Church judicatories may not so much as consult & debate, about any Act;

Act, matter or cause, but what shall be allowed & approved by his Maj. or his commissioner; for these are the very words of the Act of Parliament. But who can assent unto this intolerable incroachment, destructive of all Church judicatures, making them no judicatories at all, but a company of men conveened for giving advice. But where was there ever the like of this Church judicature? The nameing of those things is sufficient to discover their vanity: see excellent *Voet. ubi supra Pag.* 189. *Quæst.* 11. 9. That no Church canon or ordinance hath any effect force or validity but what shall be approved & confirmed by him or his commissioner, for so much doth the fore cited Act import, now who but he who hath drunken in the opinions of *Erastus* & *Arminians* will assent unto this? It is true the canons & ordinances of a Church judicatory, cannot have the strength of a municipall law, without the Magistrat's civill sanction: But yet they may have the strength of Church Canons, whether he approve of them, or not; as the Acts of the Councell at *Ierusal. Act* 15. & of all other Synods & Assemblies, which the Church had dureing the first three hundered yeers had: Otherwise the Church should be in a hard case, when the civill Magistrat did refuse his concurrence. & (as hath been oft hinted) in a better case, under heathens, then under Christian Magistrats. Therefore this could not be assented unto. 10. That all Church Canons are his proper Acts, & flow natively from him, & his power; for the meeting is but for Counsell & advice to him, & all which they say, is without force unless he approve it, as the *Act* sayeth, & so all their Acts & Canons are his only & not theirs. But this could not be granted, because 1. what ever he doth, as supreme Governour, or Magistrat, is a civill Act & no Church Act, & so no Church Canon. 2. No Church Canon can be made by any but by Church Officers, who are impowered by *Iesus Christ* for that effect, but the Magistrat as such is no Church Officer. 3. This power is without all warrand of Scripture, & therefore can not be acknowledged.

Thus you see what incroachments upon the Privileges of the Church the taking of this oath, thus sensed, by them; car-

ryeth along with it, & albeit there be some *Erastians* & others who take these for no incroachments, but truthes; Yet reformed divines such as famous & worthy *Voetius*, *Apollonius*, & others have sufficiently manifested them to be grosse errours, & because the end designed in this undertaking is satisfaction to orthodox & reformed sound divines, with whose principles, the present suffering Church of *Scotland*, doth accord, it is accounted sufficient only to mention those things which the taking of this oath as explained by their Acts & deeds who tender it would clearly import an assenting unto. But to proceed.

15. By this oath, They should grant that the Church is very imperfect so long as she wanteth a Christian Magistrat; for she wanteth a chief Officer: And hence it will follow, that the Church in the dayes of the Apostles & some hundereds of Years thereafter was imperfect as to its Constitution, wanting this supreme Governour: Otherwise they must say that *Nero*, *Caligula*, & the rest of the Roman persecuting Emperours, did sufficiently fill up this place: And that the Apostles did upon the matter, & would not have refused, plainely to have affirmed that these persecuting heathens, were supreme Governours over all persones; & in all causes Civill & Ecclesiastick. But none of those can be affirmed, with any probality or shew of reason.

16. Yea by taking this oath, They should grant that the Apostles & primitive Church, walked not regularly in the matter of governing the Church: Because they acted with no such subordination unto the supreme Magistrat who then was, they derived no power from him as their supreme Governour; in causes Ecclesiastick. To say that necessity did put them to this, is but a poor defence, for then out of necessity the primitive Church did rob the Magistrat of his power, or else this power agreeth not to all Magistrats; but only to Christian Magistrats, & if so, it cannot be a power or Privilege annexed to the Crown; And further it doth not agree to them as Christians, nor yet as Magistrats otherwise it should agree to all Christians, & to all Magistrats, which is false: & therefore

it

it cannot agree to them as Chriſtian Magiſtrats for as learned & renowned Doct. *Voetius* ſayeth, *Polit. Eccleſ. Pag.* 137. *Duo ſubjecta, & principia formalia, quæ non ſunt unum, aut unita per ſe, non poſſunt fundare effectum formalem per ſe unum ſc. ex. gr. Homo unus ſi ſit Conſul, & Pater, non potest dici habere poteſtatem conſularem in cives, qua Conſul-pater, nec poteſtatem patriam in filium quâ Pater-conſul*

17. By taking of this oath, They ſhould yeeld unto the opening of a door unto the utter deſtruction & overthrow, of all Church judicatories, for by their judgment, who tender that oath, the King is the fountaine of all Church power, & who ever executeth any Church power, executeth it as his Commiſſioner, & he may imploy in this buſſineſſe whom he pleaſeth, & by the Act for the heigh commiſſion he imployeth civill perſones, who are no Church Officers in depoſeing Miniſters, & in excommunicating, & ſo he may imploy ſuch perſons alwayes & only ſuch, for he is at liberty, to imploy whom he will, & ſo at length he may put aſide all Church Officers, & ſo lay aſide all Church judicatures, & handle all Church buſſineſſe in civill courts. But what Chriſtian could yeeld to this? See *Voetius ubi ſupra Pag.* 146 *Arg.* 11.

18. By this oath, they ſhould grant unto the Civill Magiſtrat power to erect new courts, which have no warrand in the word, & ſuch courts as the Church had not all the dayes of the Apoſtles, nor many centuries of years thereafter, for by vertue of his ſupremacy he erecteth this new court called a *Heigh*, or *Grand Commiſſion*, wherein civill perſons meddle with Church matters, & execute Church cenſures, & Churchmen meddle with civill matters, & civill cenſures. But to yeeld to this, ſhould be to deſtroy all Church power, & to condemne the Apoſtles, for not leaving behinde them, the example of ſuch a court; & the primitive Church, for not ſetting up ſuch a court. By Presbyterian principles no judicature muſt be acknowledged for a court of Chriſt, but that which hath Chriſts warrand.

19. By taking this oath, They ſhould yeeld unto the lawfulneſſe of appealing from a Church judicature unto the civil Magiſtrat; for it is lawfull to appeal from an inferiour

judicature, unto a superiour, & by the tenderers of the oath, the supreme Magistrat is a superiour judicature. It is lawfull to appeall from the Commissioners unto such as have given them that commission; And Ministers in these judicatories are but his Commissioners: But sound divines writting against *Erastus* & the *Arminians* will justify their refuseing to yeeld to this: & if they should have yeelded to this, they should have condemned the Generall Assemblies, that declared such as appealed from a Church judicature, unto the King, & his Councell, censurable with the sentence of excommunication, And approved of such perverse troublers of the Church, as took this corrupt course to keep themselves from censure. Moreover there is no example of any such lawfull appellation, for *Paul's* appeal unto *Cæsar* was from a civill coutt, from *Festus*, & was in a matter of life & death, & from no Chutch judicatorie: See *Voetius ubi supra*, *Pag.* 197. *Quæst.* 24.

SECTIO XIII.

The former purpose further prosecuted, & Mr Stillingfleet's *notion examined.*

THere is one reason more pleading against the taking of the oath as it is now glossed, & it is this,

20. By taking of this oath they should assent unto that power which is given unto the King, in the 16 *Act of Parliament*, viz. a power to settle & secure Church governement, in such a frame as shall be most agreable & suiteable unto *Monarchicall Governement*, & *most complying with the publick peace, & quyet of the Kingdome*: And so grant 1. That there is not one forme or modell of Church governement, set down in the word, obliging Churches in all ages to follow the same 2. That the supreme Magistrat alone may appoynt what forme he thinketh good.

To

To speak to this head at length, would take a long time in regard that one *Mr Stillingfleet* hath been at the paines to give the World a proof of his learning & reading, by engaging in this quarrell, & in pleading against the privilege & prerogative of the Crown of *Christ*, whom God hath made King in *Zion*, & who will reigne untill all his enemies be made his footstool. He would, without all doubt, have had more peace, when stepping into eternity, if he had imployed his partes & abilities for Christ & his interests as King & sole King in his Church, & Kingdom.

But yet though the nature of this discourse will not admit so long & full an examination of the grounds whereupon this learned man walketh: Some thing must be said in short, & so much the rather because, through the injury of the times, the labours of such, as have fully & solidly answered him, cannot be gotten printed.

And therefore till providence so order matters as that both those & severall other things against prelats, may receive a free *Imprimatur*. Take these few observations upon his whole book which he is pleased to call a *weapon salve &c.* so far as concerneth the businesse in hand

Obs. 1. He granteth pag. 154. *That it is necessary there should be a forme of government in the Church by vertue not only of that law of nature, which provideth for the preservation of societies, but likewise by vertue of that divine law which takes care for the Churches preservation in peace and unity.* So then if there be such a divine law for a forme of Church Government; & if in the primitive times there was a forme of Church Government followed, the poynt is gained by Mr Stillingfleet's own concessions; for *part* 1. *c.* 1. § 3. He sayeth that *there is not the same necessitie for a particular clear revelation, in the alteration of a law unrepealed in some circumstances of it, as there is, for the establishing of a new law: as to the former, a different practice by persons guided by an infallible Spirit is sufficient, which is the case, as to the observation of the Lord's day under the Gospell; for the fourth command standing in force, as to the morality of it, a different practice, by the A-*

postiles may be sufficient, for the particular determination of the more rituall & occasionall part of it. Now there being a standing morall law for a forme of Church governement, the practice of the Apostles who were guided by an infallible Spirit is sufficient for an alteration: And so as their practice obligeth now, to the observation of the first day Sabbath, because of the standing force of the morall law for one day of Seven; So their practice obligeth now unto that forme of Governement, which they used, because of the standing force of the law of God for a forme of Church Governement: So that we need not enquire after a particular & clear revelation in this case where there is but the alteration of a law unrepealed as to some particular circumstances. And thus, if the morality of the first day Sabbath stand, the morality of the governement of the Church which the Apostles did set up, will stand also. Their practice altering the last day of Seven into the first, will no more oblige then their altering of the ancient governement, into a new one, which was distinct from the former.

Obj. 2. Part. 2. c. 1. §. 4, 5, 6. When he is about the stateing of the question he will have a nationall Church, to be understood as a Church in which a forme of Government should be setled. It is true a nationall society incorporated, is a Church; It is also true that the notion of a Church agreeth to other societies, then nationall, & as himself sayes, wherever the notion of a Church particular is to be found, there must be a Governement in that Church: & so every society which may be called a Church, should have a Governement in it. But now the question is whether every such society as may be called a *Church*, should have its own liberty, to set up what forme of Government it thinketh best, or only *a nationall Church?* If only *a nationall Church* have that liberty then that liberty agreeth not to *a nationall Church*, as it is a *Church*, but under some other notion, & what is this other nation? Is it because they are under one civil Governement? But many nations may in some respect be under one civil Government, & in some respect there is hardly any one nation, which in all its parts incorporations & cities, is governed after one & the same

manner

manner. But further, what hath the Church to do with the civill lawes or civill way of Governement, especially seing himself granteth that the Church is a quite distinct society from the civil state? But next if every Church hath this liberty then in one & the same nationall Church, there may be many severall sorts of Governements, & this would occasion the greatest confusion in the world, & looketh no way like the ordinance of God, which neither tendeth to union nor edification but to confusion & distraction, & will make every parochial Church (& he cannot deny a parochiall Church to be a Church) to have its own distinct forme of Government, thus porachiall Churches should be like the *Cantons* of *Helvetia* or distinct Kingdomes ruled by their own lawes & after their owne manner. If it be said that the unity & peace of the *nationall Church* ought much more to be looked after, then the peace & unity of any one particular *congregation Ans.* will it thence follow that every particular congregation, in a nationall Church, should be Governed after one manner? then it will follow also that all nationall Churches being members of the Church universall, must be Governed after one & the same manner; for the peace & unity of the *Church universall* is preferable unto the peace & unity of a *Nat. Church*, as the peace & unity of a *Nat. Church* is preferable unto the peace & unity of *Particular congregations*. But where shall a Magistrat be found for establishing this one forme of Government? Is it not then saifest to say That Christ hath set down such a forme which all Churches, all the world over are obliged to follow & imitat; for he is only head of the Church?

Obj. 3. when he stateth the question *Part.* 2 *c.* 3, §. 1. He limiteth the disput unto two sorts or species of Government thus *Whether the Church should be Governed by a colledge of presbyters; or by a superiour order above the standing ministery having the power of jurisdiction & ordination belonging to it.* But under favour, this is not faire dealing in stateing of a controversy for his busines is to shew that there is no forme at all setled by a *Ius divinum*. That there is no warrand in the word, for any one forme more then for all the rest, & that there is no one forme

so

so determined by a positive law of God, that all the Churches of Christ, are bound to observe it; but that it is left to the prudence, of every particular Church to agree upon its own forme, which it judgeth most fit for the ends of Governement, in it self: & if this be his drift & scope, may not every one see how he prevaricateth here, in limiting the disput to these two formes; seing there are moe formes pretended unto. The *independents* will grant that there is no warrand in the word for either of those two formes mentioned; & yet will allaidge that there is another forme allowed of God & determined: The *Papists* have a forme of Government, & it may be the prelats think that their forme differeth from that. The *Morellians* have another forme distinct from all these, the *Erastians* have a fixt, & it is possible that *Mr Baxter* shall give him a seventh made out of *presbyterian episcopall, independent & Erastian.* now if his principles exclude all these why was the disput limited to two? or doth he think that these other formes are expresly excluded by the word, & that Churches are not left at liberty to make choise of any of them, but only of either of the two which he mentioned? Then the scripture is expresly & determinatly against severall formes of Governement, & if this be true, his principles are overturned, for if the law of God be expresly against some formes, it must be more for other formes, then for these, & all formes are not indifferent, nor are men left at liberty to pitch upon what forme they please.

Obj. 4. He granteth *Part.* 2. *c.* 2. §. 1. *That the Government of the Church ought to be administred by officers of divine appoyntment.* And now what shall become of that Government by a superiour order above the standing ministery; for a prelat as a superiour order is a distinct officer from presbyters; & so must have a divine appoyntment, & if he hath a divine appoyntment, he must be a standing officer, as well as presbyters; & if so, men must not, as they please, lay him by; but the Government by prelats must be *juris divini*: & if upon the other hand, he be really a distinct officer, & hath no divine warrant, or appoyntment, the Government of the Church by prelats must be utterly unlawfull.

But

But what sayeth he to this objection? *Part. 2. c. 4. §. 11. These officers are only said to be new that were never appoynted by Christ: & the Church may appoynt none such: but if such be meaned as have a Charge of more then one particular congregation by the consent of pastours themselves, such an officer is not new; for beside the generall practice of the Church, from the first primitive times, which have all consented in the use of such officers, we finde the foundation of this power laid by Christ himself, in the power which the Apostles were invested in, which was extended over many both pastours, & Churches; & this power must be proved extraordinary, before it can be said to cease; & that must be done by some arguments proper to their persones; for if they be of a morall nature, they will prove the office, to be so too —— I say not but that the necessity of the office, as in their persons, for the first preacking & propagating the Gospell did cease with them; but that after their death it became unlawfull to take Charge of diocesian Churches I deny; for to make a thing unlawfull, which was before lawfull there must be some expresse prohibition* thus he.

To which it is answered. 1. It appeareth then that a *Bishop* is a distinct officer from a *Presbyter*, for the Apostles were distinct from Presbyters, & their office by Mr *Stilling fleet*, is the same upon the matter with that of the Apostles, viz a power over both Churches & pastours, for he will not grant that that power in the Apostles was extraordinar, for he sayes that the foundation of this power, was laid by Christ himself, in that power which the Apostles were invested in: & therefore that power of the Apostles, & the power of Prelats must be one upon the matter, and so Prelats must be distinct from Presbyters as the Apostles were. 2. It is strange how he can so confidently say. That it was the practice of the Church of God from the first primitive times, to consent to the use of such officers: seing himself is at so much paines to prove *that antiquity is most defective in the times immediatly after the Apostles, & that none dar with confidence beleeve the conjectures of* Eusebius *at* 300 *yeers distance from the Apostolicall times, when he hath no other testimony to avouch but the hyporyposes of an uncertaine* Clement & the

the commentaries of Hegesippus, &c. Pag. 296. 297. 3. To let this passe. *Mr Stillingfleet* would do well to shew whether the office of Apostles (which is a distinct thing from their extraordinary immediat mission (which he is pleased to make the maine distinguishing note of an Apostle) & also from the power of working miracles to confirme the truth of what they preached) did cease by God's warrand and approbation or not: if not, how could any be so bold as to lay this office aside, by which persons should be invested with power over many both Churches and pastours? & how can any say that it is not still necessary: Mr *Stillingfleet* seemeth here to plead for the divine right of prelacy: And indeed if the office & power of Apostles be the same with prelacie, & if that power or office be not laid aside with God's warrand & approbation, it must still be an office allowed of God, & if so, Mr *Stillingfleet's* notion will fall to the ground. His saying that *the necessitie of the office, as in their persons for the first preaching & propagating the Gospell is ceased* is nothing to the purpose, for he must speak of the office, as it is the same with the office of Prelats. It is certaine the necesity of the office as in their persons must cease, because they are gone, & the work of first preaching & propagating the Gospell, could be done by none after them, when they had done it themselves but that was not their ordinary office, if Mr *Stillingfleet* speak truth here. If this office did cease by God's warrand, then how can any raise it up againe without his expresse warrand? for either it was the Lord's will when he caused it to cease, that it should cease till he was pleased to make use of it againe, or till men pleased to raise it up, at their owne pleasure: This last cannot be proved & therefore seing God thought fit to lay it aside & gave no signification of his minde, when the Church should be at liberty to make use of it againe. It must now be as a new office unwarranted of God & so unlawfull. 4. That rule, that *to make a thing unlawfull, which was before, lawfull, there must be some expresse prohibition for bidding any furder use of such a power* will not alwayes hold in this case; because some other thing may be equivalent unto an expresse prohibition, viz when God removeth the speciall propper work of such an office,

fice, & the speciall proper qualifications, with which such officers were endued, when those cease the office ceaseth; & God thereby declareth that the office & work was extraordinary, & therefore should not continue. As for Example in the primitive Church there were some *Prophets*, & these were distinct from *Apostles* & *Evangelists*, & *Pastors*, &c. so were there *workers of Miracles*, & such as had the *the gift of healing*, & of *speaking with tongues*. And when God withdrew those gifts fiting those officers for the work unto which they were then called, did he not therby declare that it was his will that that office should cease? & was there a necessity for any other expresse probition? And because of the want of this expresse prohibition will it be lawfull now for any to set up such officers & offices, in the house of God, when God giveth not the qualifications & so giveth not the call thereunto? So is it in this case of the Apostles; when their qualifications, & their speciall work ceased, their office ceased; & there will be no call for such officers till there be fit work, & God give fit qualifications; & without a call & warrand it must be unlawfull to set up such an office againe. This will be clearer if it be considered what was the speciall work of an Apostle It was this. *A planting of Churches, & setling of the Gospell government in them, by insisteing the standing officers thereof, & that by an eminent power immediatly granted by Christ to them, solely.* This was their speciall work, & this ceased with them, & so did their office with it, As also the qualifications: And therefore it would be unlawfull now for a Church at here own hand to set up such an officer againe though there be no expresse probition. By this it is clear. 5. That the power & office of Apostles laid no foundation for prelaticall power, the work belonging to them as such, being altogether extraordinare. It is true, their power did extend over many Churches & postours but yet. 1. They were not fixed to such & such particular dioecies, as propper to themselves; but sometimes moe of them were together in one place, following their work, Nor. 2. Did they account themselves the sole pastors of such or such a Church after other ministers had been ordained there. 3. Nor did

did they ordaine alone in Churches constituted. nor. 4. Did they exerce jurisdiction alone, but alwayes they joyned others with them in Churches setled. 5. They assumed to themselves no negative voice either in ordination or jurisdiction: & so in them there could be no foundation for prelacy laid, even as to their common work, or work of a lasting nature which did not properly & peculiarly appertaine to them as Apostles. 6. Neither finally were they consecrated & ordained after the manner that prelats are now consecrated, being first made *Deacons*, & next *Presbyters*, & then *Bishops*, so that there is a vaste disparity.

But distrusting this answer he giveth a second §. 12. to this purpose. *The extending of any Ministeriall power, is not the appoynting of a new office, because every Minister hath a relation* Actu primo, *to the whole Church of God, the restraint & enlargment of which power is subject to positive determinations of prudence & conveniency* in Actu secundo ——— *The exercise and execution of the power of order belongeth to every one in his personall capacity, but as to the power of jurisdiction, though it belong habitually and* Actu primo *to each presbyter, yet being about matters of publicke and common concernment, the limitation and exercise of it belongeth to the Church in common (such is the power of visiting Churches, of ordination and censures) and when this is devolved to some particular persons, by the rest of the pastors or by the Magistrat*, quoad executionem *it belongeth to them.*

Ans. 1. This contradicteth the former answer, for the former answer did suppone that these were distinct officers from presbyters, because their office was such as the ordinary office of the Apostles; and the Apostles were distinct from other Church officers, even by their office, & not in respect only of their extraordinare mission, or power of working miracles: But this answer affirmeth them to be one & the same with presbyters. But. 2. By this answer he might plead for the *Pope* for every Minister *in actu primo* hath a relation to the whole Church & so might be a *Pope*, if the supreme Magistrat or the rest of the Ministers, would devolve upon him the execution of the power of jurisdiction; & so the *Pope* is no new officer

but

but a mere presbyter, only his power of jurisdiction is enlairged: So may he plead for *Cardinals*, *Patriarchs*, *Primats*, *Archbishops*, as well as for Bishops. But it will be objected that the *Pope* pretendeth to some other thing as the warrand of his power even to *a jus divinum Ans.* & so do prelats, but with Mr *Stilling-fleet*, all is one whether that be pretended unto, or not, for it is no matter what they say of themselves, but what any may feigne of them, to the end they may both deceive others, & be deceived themselves. This is, as if one would defend a man who had taken upon himself to be a King of such or such a common wealth, contrare to the fundamentall lawes of the land, and would alledge that he were no distinct officer from any other member of Parliam. because (for sooth) the power of Government, as to its execution, is subject to positive determinations, & Parliaments may, & do commissionat some of their number to some eminent piece of work, as to be *a Generall* or the like; & he who calleth himself *King*, is nothing else, notwithstanding that he rule the commonw. with as absolute power & unlimited, as ever King did. Sure any man of understanding would smile at such a defence, and just such an one is Mr *Stilling-fleet's*, prelats rule & domineer with as absolute & unlimited power, as ever any did, & when it is alledged that they account themselves distinct officers from, & superiour to other presbyters, & that there is no warrand for any such officers Mr *Stilling fleet*, their new advocat cometh in, & sayeth: They are no distinct officers, let themselves say what they will, you may take them up as no distinct officers, & so suffer them to domineer still, if you look upon them as no distinct officers there is no hazard, all is saife, be they *Pope* be they *Prelat* & let them pretend to never so high & speciall commissions, as speciall & distinct officers, yet they may be submitted unto & obeyed, this mentall conception will make all right. 3. When any are disputing against an intruder in the house of God whether is it saifest to take him up, in his own colours & to look upon him as he holdeth forth himself, or to paint him as any think best? If any disputant would take liberty to paint him as he pleaseth he should not dispute for truth, but deal deceitfully. Let *Mr*

Stillingfleet answere this question: Whether is it possible that a man may give out himself for a new officer, or not? or whether is there any hazard that such an one may be acknowledged & countenanced as an officer & as such an officer as he giveth himself forth to be, in the house of God: or not? If *Mr Stillingfleet* be consonant to his principles, he must answere that it is not possible: for really there can be no new officers warranded of God; & every one is at liberty to take them up under a right notion: & there is an end: & then let all the popish rable & ten times moe come in, they may be submitted unto; for really there can be no other officers in God's house, but pastours & deacons (with *Mr Stillingfleet*) & every one may look on all the rest as having their power either restricted or enlairged, according to the determination of prudence. 4. It may be asked: whether the Apostles were distinct officers from presbyt. yea or not? If they were distinct; what was it which made them distinct? It could not be their different way of mission for *Matthias* had not such a mission as *Iames*, *Iohn* & *Peter* & the rest had & yet all of them were Apostles & *Matthias* no lesse then the rest. It could not be their extraordinary qualifications, for *Prophets* & *workers of miracles* & *speakers with tongues*, had extraordinary qualifications; & yet they were not the same with *Apostles*: & further distinct qualifications make not distinct officers. Or was it a larger extended power? Then it is certane that prelats upon the same account must be distinct officers, from other presbyters; for they have a larger extended power then other presbyters have. 5. Doth *Mr Stilling fl.* think that there is no difference betuixt a man who acteth as commissionated from a judicature, having his power & particular commission from them; & a man who doth all of himself by his own power, having a commission from none? & that there is no difference betuixt one who receiveth commands from others as accountable to them; & one who taketh upon him to command them as he thinkest best: & betuixt the generall of an army sent forth by the Estates of a land (ruled without a King) having power & commission from them; & a King making use of the Estates, or of the Parliament of the Kingdome as his counsellours whose advice he will follow, or

not

not follow, as seemeth him good, & comanding all of them as pleaseth him best? If he think that there is no difference betuixt these, then indeed he cannot be much blamed for thinking that the prelat whom he busketh, is one & the same with the prelat of whom the controversie is. But in sober sadnesse let it be asked of *Mr Stilling fleet*; If he did satisfie himself with this his fiction & notion. There is no controversy now about what may be, or of a man in the moon, but of the prelats who are now in being, & concerning these it would be asked whether he thinketh that they are chosen by the Church over which they are, & that they are impowered by that Church, or by the officers of that Church, for that effect, & that they are accountable unto them, so that their power may be restrained at the Churches pleasure: Or not rather that they choose & ordaine the presbyters, & commissionat them, calling them to an account, & punishing as they think fit, usurping & useing this power as their owne, not borrowing it from the presbyters, in whole or in part, as being themselves solely invested with all Church power from Christ, & letting out the same to presbyters as they think meet. Now it is of these that the controversy is & it is such as are understood when it is said that they are new Church officers, & there is no controversy concerning *Mr Stilling fleet's* supposed Commissioners; for whether such as he speaketh of; be new distinct officers, or not, it is no matter, so long as these of whom the disput is, are such without all question, for any thing which *Mr Stilling fleet* hath said to the contrary; for the persons he speaketh of, are not the same with the persons concerning whom the controversy is: Commissioners having all their power derived from others are one thing, & such as have all the power from & with in themselves are another thing. But. 6. To put the matter more out of doubt, let it be considered that a distinct proper work with a distinct ordination for that effect, is enough to make a distinct officer: What distinguisheth *Presbyters* & *Deacons* (Let ruleing elders be laid a side, seing *Mr Stilling fleet* will not owne them as Church officers) but their distinct peculiar work & ordination: & so since prelats assume to themselves as their peculiar

liar work, the power of jurisdiction, & ordination (to speak nothing of the power of order) they do account themselves, & so must all take them to be, distinct officers: All the prelats that ever were yet in the world, did look upon themselves as distinct from presbyters: & all who ever wrote of prelats, took them up as such (whether *Iure Divino* or *Humano* all is one, as to this busines of their being distinct) till *Mr Stilling fleet* did vent his new notions. 7. That a judicature which acteth joyntly in matters of jurisdiction, may, in some particulars for facilitating their execution, impower one or moe of their number for that effect, is easily granted; but that they may so Impower them, as to denude themselves wholly of the power; & so enlarge the power of others as to null their owne; must be otherwayes proved then by *Mr Stillingfleet's* bare assertion: Christ's commission taketh in both the power of order & jurisdiction, & alloweth his servants no more to denude themselves of the one, then of the other. They themselves must answere for the duties of the one as well as for the duties of the other: And every Presbyter hath the *Ius* to both as well *in actu secundo* as *in actu primo*. judicious *Veetius Polit. Eccl. Pag.* 224. *Quæst.* 15. doth abundantly cleare this particular, shewing that such a delegation is not lawfull out of *Mat.* 18: 18. & 16: 18. 1 *Cor.* 5. *Act.* 20: 28. 1 *Tim.* 5: 17. 1 *Thes.* 5: 12. 1 *Pet.* 5: 1, 2. comp. with 1 *Tim.* 3: 5. *Ioh.* 20: 20. 1 *Tim.* 3. & 4: 13, 14. 2 *Tim.* 2: 2. & 4: 2. *Tit.* 1: 3, 5, 7, 8. *What ever may be done in case of necessity, for dispatching of some particular Act, which is transient.* And how or what way the limitation & exercise of the power of jurisdiction, belongeth to the Church in common more then the limitation & exercise of the power of order, is not yet clearly demonstrated by any thing which *Mr Stillingfleet* hath said: And it is known that Prelats arrogat to themselves, a speciall or sole interest in the power of order, as well as in the power of jurisdiction, & therefore they stile themselves the only Pastors of the Dioeces, & say that the Presbyters are but their Substitutes & Vicars: And it is certane that they assume to themselves, the sole power of ordination. And though

here

here in this place, which is now under consideration *Mr Stillingfleet* is pleased to rancke up ordination under the power of jurisdiction, yet else where viz. *Pag.* 273. he sayeth that, *The collation of orders doth come from the power of order & not meerly from the power of jurisdiction.* 8. How cometh the Christian Magistrat in here to appoynt the constant limitation, & exercise of the power committed by Christ, unto Church Officers? This is a very great power granted unto the civill Magistrat & some warrand would be seen for it: But this is not the proper place to examine his notions concerning the power of the civill Magistrat in Church matters. Enough of this observation.

Obs. 5. With Presbyterians; the practice of the Apostles, & of the Churches in their dayes, following their appoyntment & command, is of much weight. It is true their examples as examples, do not binde; But when the Lord hath sent them forth, for this end & errand, to plante Churches, to ordaine new offices, & officers, immediatly under him, and to appoynt unto these officers, their proper work, & to show them how & what way they should goe about their work, & when in all things they delivered nothing to the Church but what they rectived of the Lord, 1 *Cor.* 11: 23. & as *Tertull.* said *de præscr. adv. hæreses*, *Apostoli nihil ex suo arbitrio elegerunt quod inducerent, sed acceptam à Christo disciplinam fideliter nationibus assignaverunt*; Sure then their practice & example ought to be followed. Seing they were sent forth for this end especially, viz. to reforme & setle Churches in doctrine, worship, discipline & governement, according to a new Gospell modell, can any think that we are not obliged to follow their practices. It it true there can be no duty without a law making it a duty; But Christ's sending them forth for this end, & giving them a speciall commission for this work, sending them forth as the Father sent him, & breathing the Holy Ghost upon them, & commanding them, *Math.* 28: *v.* 19, 20. *To goe & teach all Nations all things which he had commanded them*: & *Act.* 1: 2, 3. *Speaking to them of the things pertaining to the Kingdome of God.* By which sayeth *Calvin*

on the place, *Is signified that Christ would not goe away till first he had seen to the governement of the Church*, carry a law in their bosome, & say that their example is obligeing: And when there is a law or warrand for following such an example, it is but in vaine to dispute, whether it be the example which bindeth, or the rule making it our duty to follow such an example. But moreover he will grant that examples in actions that are morall naturall are obligeing (whether as examples, or by reason of the morality of the action, needeth not be anxiously enquired after) & will not actions done by them upon morall grounds, that are of perpetuall concernement, become actions morall naturall, & so obligeing? Is not their example in observing the first day Sabbath, obligeing? And why? He sayes, because there was a morall law standing in force concerning the observation of one day in Seven: Why then shall not their example in observing such or such a forme of governement be obligeing, seing there was a morall law standing in force concerning the governement of the Church in generall? Is there any rule extant making their example in the one case obligeing, & not in the other? If the Apostolicall practice in the one case make an Apostolicall tradition, & so a divine institution, so will their practice do in the other case: yea the examples of the Churches practise in the Apostles times, & hints from their writtings do sufficiently evidence an institution; we read of elders in *Ierusalem*, & hence we saifly argue that they were ordained, though we read not in *terminis terminantibus* of the manner how they were ordained, (sayeth one.)

But he hath foure things to object against this ground taken from the practice of the Apostles, though acted by the Spirit. *Part. 2. cap. 6. §. 20.*

As 1. *That the Apostles did many things without any intention of obligeing others, as preaching without maintenance*, &c. *Ans.* 1. The consequence is null. Because they did many things without such an intention, will it follow, Ergo they did nothing with such an intention? 2. The disput is about such actions as were done by them by vertue of their speciall office & calling

calling, of which kinde, this is none, to preach at some Churches without wages. 3. Yea this same action of preaching without wages, is to be imitated in the like cases, that is, when Ministers have a competent livelyhood otherwise, as *Paul* had who said, *he robed other Churches*, 1 *Cor.* 11: *ver.* 8. & when there is no other way to stope the mouthes of false teachers, who thereby take occasion to hinder the good of the Gospell, for this was the thing which moved *Paul* to take no wages from *Corinth*. *That he might cut off occasion from them that desired occasion*, and these were the false Apostles, 1 *Cor.* 11: *v.* 12, 13.

2. He sayeth, *The Apostles did many things upon particular occasions, emergencies & circumstances, which things so done cannot binde by vertue of their doing them, any further then a parity of reason doth conclude the same things to be done, as* Paul's *celebat, communitie of goods, their preaching from house to house, abstaining from blood, &c. Ans.* this is still to argue *a particulari* because such & such particular practices oblige not *Ergo* no practice obligeth, is a weak consequence. 2. Actions done upon particular occasions & emergencies, are of another nature, then such actions as are done upon morall & lasting grounds. 3. If even those actions binde upon the ground of a parity of reason, much more will these binde upon the same account: for whatever ground or reason be given why the Apostles followed such a modell of Government in their dayes, will stand good now, & evince that the same modell ought to be followed. 4. And where as he sayeth *before an acknowledged Apostolicall practice be looked on as obligatory, it must be made appear, that what they did, was not according as they saw reason & cause, for the doing of it, depending upon the severall circumstances of time place and persones; but that they did it from some unalterable law of Christ, or from indispensable reasons, as will equally hold in all times, places & persons* he confirmeth what is now answered; for the reasons of their erecting such a species of Government, do equally hold in all times & places, nothing can be said for the dependence of such a forme upon the severall circumstances of time place & persons. As for the particulars mentioned by

him, It is answered. 1. For *Celebat*, *Christ* himself *Mat.* 19 v. 12. restricteth it to such as have the gift of continency; & it bindeth none else. 2. The *Community of goods* was for that time only, for the contrary is practised in after times by all other Churches & Christians; for when *Paul* is pressing the *Corinthians* unto a contribution he never mentioneth this as an argument moving thereunto. 3. Their *preaching from house to house* was for want of conveniency of more publicke places & yet when they had liberty they went to the temple, & to Solomons porch, & to Synagogues. 4. As for that *Act* 15. concerning the *abstaineing from blood & things strangled, & things offered to idols* it was only for that time of the scandall, & not alwayes; for Paul taketh off this. 1. *Cor* 10: 25: when he sayeth *whatsoever is sold in the shambles that eat asking no question for conscience sake* & againe when he sayes. 1. *Tim* 4: 3, 4, 5. *Every creature of God is good & nothing to be refused if it be received with thanksgiving.* But there is nothing of this kinde that can be showne, in the matter of the species of Government as shall further appear when his alledgances are answered afterward.

3. He sayes *officers that were of Apostolick appoyntment are growne out of use in the Church as widowes.* 1 *Tim.* 4: 9. *or diaconisses Rom* 16: 1. *Ans.* These *Diaconisses* were not Church-officers having any Ministeriall charge or office in the Church, for there is nothing spoken of their ordination. But they were poor eleemosynaris, & indigent women, taken in for some service, unto sick strangers, or *propter horam balnei; aut visitationis quando nudatum fuit corpus mulieris* as sayeth *Epiphanius lib.* 3. *Tom.* 2. *haeres.* 79. And so their work was for those hote countreyes, & because now there is no such necessitie for their work, themselves are laid aside. But 2. are there not severall other officers laid aside as *Apostles*, *Prophets* & *Evangelists*? & will he hence conclude that therefore nothing of their practice obligeth? 3. If this ground be followed forth, that Apostolick practice even in the matter of officers instituted by them, is not of an obligatory nature, then may all Church officers be laid aside, & so his formerly mentioned position &

concession touching the government of the Church by officers only of divine appoyntment, will fall to the ground. If he say that divine institution is one thing & bare examples are another thing. *Ans.* Then his reason here is impertinent: for all Church officers are of divine institution, & these *Diaconisses* among the rest must be of divine appoyntment: & then what hath this to do here where the examplary practices of the Apostles are only spoken of; which yet to presbyterians in the case of Government will speak faire for a divine institution. finally if it could be cleared what was & ought to be the proper work of these *Widowes* & that it were of a lasting necessity unto the Church in all places & at all times (of which the scripture is altogether silent) as may be seen concerning other standing officers of the Church, respect should be had to that ordinance of God, as well as to others.

4. He sayeth *Rites & customes apostolicall are altered as dipping in baptisme, love feasts, holy kisse, & therefore men do not think that apostolical practice doth binde. Ans.* 1. He still argueth *à particulari* which is very unsure & fallacious: because in some things men look not upon the practice of the Apostles, as bindeing therefore in nothing: This argument will not hold. 2. There is a great difference betwixt rites & cüstomes, which are alterable: & such & such formes of Government which be of a more lasting nature. As for *dipping* in baptisme. It is no where commanded, nor was it constantly practised by the Apostles, nor other Church officers: It is true they were commanded to *Baptize*, but this will not necessarily import baptizing by *dipping*; for baptizing any thing may be otherwise then by dipping, as these places do cleare *Mark.* 7: 4. *Heb.* 9: *v.* 10. with *Numb.* 8: 7. 1. *Cor.* 10: *v.* 1. *Rev.* 19: 13: compared with *Isa.* 63: 3. *Mat.* 3: 11. compared with *Act.* 2: 17. And next it is severall times found that they baptized, when & where they could not get *Dipping* used as, *Act* 2, 41. & 4, 4. Where such multitudes could not be gotten dipt, especially in the streets: so *Act* 9, 18, 19. This was in a lodging when *Paul* was sick & weak & so unfit for Dipping: So *Act* 16, 33. This was in the night in a privat lodging when *Paul* & *Silas* by reason

of their sores were unable for dipping. And therefore all that can be said in this, is that sometimes they used *Dipping* & sometimes *sprinkling* as occasion offered: & this will speak nothing for the Apostles continuall practiseing of *dipping*, & so it will not speak home to the case in hand. 4. As for *love feasts*, if they were ordinary feasts, amongst private Christians, it was but an Act of civility to use these, & they needed no institution from the Apostles practice, & a custome it is that continueth yet; But if it be meaned of the feasts which they keeped at the Lord's supper, when rich persons brought some meat with them to make a feast of at that time; This was not constantly practised by the apostles (of whose practices we are now speaking) nor yet was it warranted by them; yea *Paul* writting to the *Corinthians Epist.* 1. *c.* 11. *v.* 22. sayeth *have yee therefore no houses to eat & drink in?* And so would have them forbearing that custome, which they had so much abused. Their custome was to keep those feasts in the place of the assembly: & he would have them (if so they would feast) keeping those feasts at home in their own houses: & therefore this is nothing to the purpose in hand. 5. As for the *Holy Kisse* It was only a civil custome used then in saluteing one another, & was not of any Apostolicall institution: famous *Voetius Polit. Eccles. Pag.* 466. sayeth that *this Kisse was a common rite in its Kinde & forme, used according to the received custome in token of love, friendshipe, familiarity, as also of subjection* and againe *Pag.* 467. *of what soever kinde & forme it was, it was nothing but a common signe of love, good will, acquaintance, friendshipe, familiarity, courteseie, reverence & honour in their meetings, conferences, & salutations, especially in the Eastern countreyes see Gen* 29, 11. & 31. 28. & 45, 15. 1. *Sam.* 10. 1, 2. *Sam.* 20, 9. *Mat.* 26, 48. *Luk.* 7, 45. It is true *Paul* bids them salute one another with a *Holy Kisse*, but when he doth so he doth not institute the *Kisse* but only ordereth the manner of their useing of that salutation & exhorteth that it be not done wantonly or dissemblingly, but Christianly & Holily. *Voetius ubi supra* sayeth *By this Epithet* Holy *it is distinguished from a lustfull Kisse as that Prov.* 7. 13. & *Hypocriticall, like that Mat.* 26, 48, 49. *And it*

is

Is called holy because the Kisse of Holy & true charity as 1 *Pet.* 5. 4. And againe he sayeth *It is propounded be way of a command not generall, but speciall according to the particular & present circumstances of time place and persons.*

Thus it is apparent that for all these foure reasons of his, the practice of the Apostles in the matter of Governement, being a busſinesse unto which they were called, & for which they were endued, & specially assisted by the Holy ghost, is obliging & of binding force.

But there are some other things, which he allaidgeth against this *Part.* 2. *cap.* 6. §. 19. Which must be examined. He layeth down as probable *That the Apostles in probability did not observe any one fixed course in setling the Government of Churches, but setled it according to the severall circumstances of places and persons which they had to deal with.* Though he lay not this down as a foundation of his *thesis*, but only as a Doctrine of probability, yet if he be able to make it out that the Apostles in some places did setle *Presbyterian* Governement, & in other places Episcopall. Governement, he shall gaine his poynt: And therefore his strength in this particular must be tryed.

To this end he layeth down three grounds. 1. *The different State, condition, quantity of the Churches planted by the Apostles.* 2. *The multitude of unfixed officers which Acted then with authority over the Church where they were resident.* 3. *The different customes observed in severall Churches as to their Governement after the death of the Apostles.* As to the last of these grounds it cannot appear to be any at all: For the practice of the Churches after the dayes of the Apostles will not prove what the practice of the Churches was, dureing the dayes of the Apostles, nor what the practice of the Apostles was, unlesse it could certanely be manifested, that these Churches did punctually follow the practice of the Apostles which he will neither affirme nor undertake to prove, unlesse he would flatly contradict himself. As to the second ground it cometh not up to be a sufficient ground for this position unlesse

unlesse he will prove that these unfixed officers or *Evangelists*, (such as *Timothy* & *Titus* were as himself acknowledgeth) were proper Bishops, that is to say, were not *Evangelists*, but fixed officers. 2. Though the Apostle made use of them in some Churches, & not in others, it will not follow that therefore the Apostles did set up distinct formes or models; for the way of setting up a model is a distinct thing from the modell it self: the modell or species of Government might be the same whether erected in a place immediatly by the Apostles themselves, or mediatly by the Evangelists at their direction. And 3. Neither the Apostles themselves, nor the Evangelists (for any thing which can be seen in Scripture) did act in matters of government, after an Episcopall manner, but conjunctly with other Presbyters, in Churches constituted (& what extraordinary course they tooke in Churches not yet constituted is not much to the purpose in hand, for their way of erecting a modell thus, being extraordinary, is not necessarily imitable.) And thus one species viz. Presbyterian is directly pointed forth.

But most of the strese lyeth on the first ground, for proving of which he layeth down two particulars. 1. *That in Churches consisting of a small number of beleevers, where there was no great probability of a great increase afterwards, one single Pastor with Deacons under him were only constituted by the Apostles for the ruleing of these Churches.* 2. *In Churches consisting of a multitude of beleevers, or where there was a probability of a great increase by preacking the Gospell; The Apostles did settle a colledge of Presbyters, whose office was partly to governe the Church already formed, and partly in labouring in the converting of more.* As to this last particular it may be passed, because it speaketh nothing against the Presbyterians, they fully accord with him therein; save where he sayeth, *That these two sorts of elders mentioned, 1 Tim. 5:17. were both preaching Presbyters, the one imployed most in preaching, and converting more, and therefore deserved both more respect and maintenance, because of their greater burden, more abundant labours, and greater sufferings: and others most in ruling the flock already converted.* And so rejecteth

th ruleing elders, as not being of divine appoyntment: But (that a word only may be spoken to it here) his gloſſe agreeth not to the place: for 1. This gloſſe maketh the *miniſtery of the Word* common to both, or elſe ſayeth that ſuch as ruled at home, did not preach at all, (& ſuch the Apoſtle would not account worthy of double honour,) but the Apoſtle maketh *ruling* common to both. 2. Then the maine difference betwixt theſe two ſhould lye in the word κοπιῶντες where as the Apoſtle maketh the difference to lye in the whole ſentence, *laboaring in word and doctrine*: For he ſayeth not *theſe that rule well and are* πιστοὶ *in word and doctrine*; *are worthy of double honour, but eſpecially ſuch who are* κοπιῶντες. 3. We finde this word κοπιῶντες given to others even to ſuch as were fixed to ſome certaine place, as 1 *Theſ.* 5: *v.* 12 τοὺς κοπιῶντας ἐν ὑμῖν. 4. Theſe unfixed preachers behoved to be either *Evangeliſts*, & ſuch like extraordinary Officers, or *preaching Preſbyters*; Not *Euangeliſts*, for there was no doubt, about theſe; for all would grant that they were worthy of double honour. And it is like the Apoſtle would not have ſpoken ſo to *Timothy* who was an Evangeliſt: Not *preaching Presbyters*, for there was none of thoſe ſet apart for that end; The Scripture mentioneth no ſuch thing, but alwayes teacheth that Presbyters were fixed to certaine places (what Presbyters might do, & did when ſcattered abroad by reaſon of perſecution, is another queſtion) Elders are ordained & appoynted to Churches; *Act.* 14: 23. *Tit.* 1: 5. But enough of this, in this place.

The firſt particular then muſt be a little more narrowly examined: he ſayeth, *That in ſome places at firſt there were noneplaced but only a Bishop & Deacons*, & for this he citeth *Clement's* Epiſtle (ſaying, *The Apoſtles preaching through countreyes and cities ordained the firſt fruits of ſuch as beleeved to be Bishops and Deacons.*) But by *Bishops* here he cannot underſtand ſuch Bishops, as are now ſpoken of, that is, ſuch as had power over Presbyters and Churches; for himſelf doth abundantly cleare the contrary: And what can be allaidged to prove that he meaneth only one Bishop in one place, is not yet apparent, only he referreth his reader to other teſtimonies,

which

which must also be looked upon, & examined: But it is certaine the place it self speaketh as much for one Deacon in a place as for one Presbyter, or Bishop (for both are one as himself will acknowledge) & as clearly for moe Bishops as for moe Deacons in villages, or cities κατὰ χώρας ἢ πόλεις καθίστανον-ἐπισκόπες ἢ διακόνες, here are as well Bishops in cities & villages, as Deacons. But then he citeth *Epiphanius contra Aerium haeres.* 75. saying, *That at the first there were no Bishops appoynted, & then the Apostle writteth to Bishops & Deacons (for the Apostles could not settle all things at first) for there was a necessity of Presbyters & Deacons, for by these two Officers, all Ecclesiastick offices might be performed; for where there was none found worthy to be a Bishop, the place remained without one, but where necessity required one, & there were some found fit, some were ordained Bishops, but for want of convenient number there could be no Presbyters found out, & in such places they were contented with the Bishop & Deacons.* But what can *Epiphanius* or any other writter in his time, do, as to the clearing of what was the practice of the Apostles (concerning which is the present discourse) must their testimony be beleeved without a word of Scripture to warrand the same? Yea must they be beleeved when they speak contrary to the word? Be it so that there was a time in which there were Presbyters & Deacons, & againe a time in which there were Bishops & deacons, what will this say, so long as nothing is said to prove, that these *Bishops & Presbyters* were distinct officers, & not one & the same, as is supposed of the Bishops & presbyters now under debate, all this will never prove a distinct species of Government but alwayes one & the same, whether the presbyters be called presbyters, or Bishops. 3. Be it so that in some places there were only one Bishop or Presbyter & deacons appoynted (of which there can no warrand be seen in scripture for scripture sayeth that there were presbyters ordained κατ' ἐκκλησίαν Act. 14: 23. & κατὰ πόλιν. Tit. 1: 5. for it was to cities whither the Apostles did most resort to plante Churches & not to countrey villages, where gentilisme did long thereafter continue, whence these of that religion were called *Pagani*) what will this speak for

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Episcopall Government; so long as this one Bishop could not be a Bishop properly so called, not having presbyters under him? Or doth he think that it is inconsistent with presbyterian Government that one preaching presbyter be set over a parish or a village, & that he & others joyn with the presbyters one or moe of a Neighbour city, in things of common concernment? or must he rule in that village independently? Mr *Stillingfleet* will not acknowledge this: Nor can he say that he can exerce Episcopall power: Therefore though this were granted to him the Government may still be presbyteriall. 4, How can *Epiphanius* say that the Apostles could not settle all things at the first? if they could not do it who could do it else? had they not the Spirit in great measure to prompt them to do what was fit & expedient? either they could not get men fit to be Bishops, or a sufficient number to be presbyters; But this will suppone that at that time presbyters & Bishops were destinct, which *Stilling fleet* will not acknowledge; & *Epiphanius* cannot give one instance of a *Bishop* distinct from, & superiour unto *preaching Presbyters* setled in a Church alone with some few deacons. The reader may see this passage more fully examined by *Wallo Messalinus*, *pag.* 102. & pag. 277. &c.

The next author which he citeth is *Clemens Alexandrinus* out of *Eusebius* saying. *That John after his return from* Patmos *went abroad into severall places, in some constituting Bishops in some setting in order whole Churches, in other choosing out one among the rest, whom he set over the Church.* But of this the scripture is utterly silent, & therefore it cannot be received as an undoubted thing, & what would Mr *Stillingfleet* gather from this? He seteth it down in the words of *Walo Messalinus*, Pag. 225. *In majoribus urbibus plures i.e. it is probable that there were moe presbyters ordained in greater townes and fewer in lesser towns but in villages, or litle parishes, one only, especially when there was no great number of beleevers.* And now let any judge if there can be any thing gathered thence for Episcopall Government, & some thing for this end he must prove out of this passage, or he doth nothing: He must prove out of it, that the Apostles in some places did setle presbyterian Government, & in other

places

places Episcopall, otherwise he is but beating the winde: for no asserters of Presbyterian Government did ever yet finde themselves necessitated to maintaine, that the Apostles did set up an equall number of Presbyters in every Church, or yet a plurality of preaching presbyters in each village, or countrey place, or such as the Greeks call κῶμας or κωμοπόλεις, so that though all this were granted his poynt would not yet be proved.

At lenth he citeth *Ambrose* (or rather *Hilarius*) in *Eph.* 4. saying *primum enim*, &c. *i. e. at first all did teach & all did baptize, at any time, or on any day* —— *but when the Church took in all places about, there were conventicles instituted & there were Governours & other offices appoynted that so none might assume to himself that office which did not appertaine to him, not being as yet ordained* —— *& therefore the writtings of the Apostles do not in every poynt agree with the ordinarie which now is in use in the Church* &c. But how this can speak home to the poynt is not discernable; For the author is to give the ground why the writings of the Apostles were not suiteable to the times in which he lived, viz because matters were otherwayes setled in his time then in the dayes of the Apostles: and will any hence inferre that the Apostles setled Churches with distinct formes or models, because after ages did so? who will beleeve this consequence? 2. There is no mention made of any change in the Apostle *Paul's* time; for the author mentioneth here his Epistle to *Timothy*, which was writen near to the end of his dayes. 3. Though there had been some change & alteration even in the Apostles dayes, as to the manner of going about the work of preaching and baptizing (& these are all the particulars, which the author mentioneth) & some order setled thereanent, which had not been setled before, what will this speak to the matter of Government, which is the only thing now under debate? will it follow that because there was a setled order condescended on in preaching and baptizeing which at first was not followed, therefore the Apostles in some Churches erected presbyterian Government, and in others, Episcopall? By what *Medium* will this consequence be proved? 4. But how shall

how shall it beleeved that things were better setled afterward then they were in the Apostles dayes; or that the practice of after ages is as obligatory as the practice of the Apostles? It is but a dream then to think, that the Apostles did not observe any setled forme in Governing Churches, but only Acted according to the principles of humane prudence, according to the necessities & occasions of the severall Churches which they had planted; for neither this author nor any other which he hath cited to this effect, doth prove it: And though they should all say it, we were not bound to beleeve them, seing the law & the testimony showeth the contrary, as may be seen in the writings of such as plead for Presbyterian Governement, where they shew that the Church of *Jerusalem Ephesus* & others, were Governed by the common consent of Presbyters, & that the manner of the governement of all Gospell Churches mentioned in the new Testament was uniforme.

But he hath another thing to say against the practice of the Apostles, viz. *That we cannot have that certainety of Apostolicall practice, which is necessary to constitute a divine right.* This notion he prosecuteth at great length *Chap.* 6. & as a ground thereunto he *Prefixeth* §. 4. *That the Apostles in the forming of Churches did observe the customes of the jewish synagogue.* And thereupon proceedeth to cleare both what the Governement of the jewish synagogues was, & how the forme set up in the Christian Church did correspond thereunto; all which concerneth the busines in hand little or nothing: & therefore may be passed; seing it is not very materiall to consider whether or not jewish synagogues were so Governed? & whether or not the Apostles did follow that copy: for that which is now sought for is such a Government as was practised by the Apostles; & instituted, as the forme of Church Government which was to continue, & such a Governement as had the stamp of divine authority, or of a divine institution; But now, no jewish Governement as such, could have this; but only such a Governement, as these, by their practice did institute, who were thereunto appoynted of God, & extraordinarily called

& qualified. And moreover if the jewish Synagogues were Governed uniformly, & if the Apostles did set up a Governement in the Gospell Churches, in a way correspondent there unto, It will inevitably follow that the Apostles did take an uniforme way in setling the Governement of all the Churches, & this crosseth what he said of late, & confirmeth what was Answered.

But leaving this. The proposition now under consideration is a question of fact the certanety of which is doubted of, as he allaidgeth, viz, what cour. the Apostles took in Governing Churches. or after what manner, did they setle a Governement among them? The uncertanety of this matter of fact, he thinketh to evince by three arguments. The last of which viz *the defectiveneſse, ambiguity, partiality & repugnancy of the records of the succeeding ages which should informe us what Apostolicall practice was* (which he prosecuteh largely & satisfactorily From §. 16. to §. 19.) may be passed, as concerning the buſſineſſe in hand nothing, as to Presbyterians; for if they be not able to prove the practice of the Apostles, out of the sacred write, they dispaire, as much as he can do, of proving the same from humane records, & that for the same reasons which he there giveth. But as for the other two reasons or grounds they must be examined.

The first then is this *The equivalency of the names & the doubtfulneſse of their ſignification by which this forme should be determined -- now there is a fourefold equivalency of names* Bishop & Presbyter. 1. *That both should ſignifie* a Presbyter *as.* Theodor in 1. *Tim.* 3. 1. 2. *That both should ſignifie* a Bishop. 3. *That both should ſignifie promiſcuously ſome time* a Bishop *and ſometime* a Presbyter. *and.* 4. *That the name* Bishop *alwayes imports a ſingular* Bishop, *but the name* Presbyter *doth promiſcuously ſignifie both* —— *equivocall words can never of themſelves determine what ſenſe they are to be taken in.* —— *all that can be inferred from the promiſcuous ſenſe of the words, is that they may be underſtood only in this ſenſe, but it muſt be proved that they can be underſtood in no other ſenſe,*

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before any one particular forme of Governement, as necessary, can be inferred from the use of them.

Ans. 1. This is a ready way to cast all scripture as unable to determine any controversy; for if adversaries may be beleeved all these passages which are made use of against them, do carry another sense, & must be otherwise interpreted, & so all scripture must goe under the name of equivocall sentences, & must be laid aside. 2. Presbyterians do not lay the stresse of their bussinesse upon the name; They have other things whereby to prove their poynt then either the one name, or the other; And so this doth not concerne them much. 3. The question betuixt Presbyterians & their adversaries is this, whether there be such an officer as a prelat having superiority of jurisdiction over Presbyters & people, & sole power of ordination, instituted by Christ; or not: & not whether these two words signifie one thing or another; for it is granted by all the Episcopall party (except one who in his *Annot on act* 11. sayeth *that there is no evidence whereby these inferiour presbyters may appear to have been brought in the Church so early.*) That there were presbyters ordained in the Apostles dayes; and all the question is concerning bishops, as distinct from presbyters, whether or not they were ordained: & Presbyterian divines do demonstrat that even in those places where the name *Bishop* is, no such officer can be understood. As to that which some fathers say, who writting some centuries of yeers after the Apostles dayes, & speaking of the state of the Church in the Apostles dayes, after the forme & manner in their times, concerning the promiscuous use of the two names, it doth no way wrong the cause in hand, untill it be proved, that there was indeed such an officer *in rerum natura*, & this is not yet done. 4. Whatever these names may signifie is not very materiall, but what indeed they do signifie in such & such places: And if there was not such an officer in the dayes of the Apostles, as a *Bishop* distinct from a *Presbyter* (as shall be supposed untill it be better proved then yet it is,) it will necessarily follow that both those names must signifie one & the same thing, one & the same officer viz a *Presbyter*. 5. To say that both these

names are promiscuously used sometime for a *Bishop* & some time for a *Presbyter* if these two be distinct officers, is to lay a blot on the Spirit of God speaking in the scriptures, for by what rule shall it be known when he is speaking of the one, & when he is speaking of the other? & in what a mist & labyrinth must all be left, in this businesse, especially when the maine difficulty touching the being of one of these officers, is not removed. 6. But to put an end to this, let these few things be considered by *Mr Stilling fleet.* 1. Is it probable that *Christ* or his Apostles would institute a new & distinct officer, & an officer who was to continue unto the end of the world as an ordinary & necessary officer, & yet give him no peculiar proper name, by which he might be known, & every one might know when he were speaken of, especially seing all the other officers in Christ's house both ordinary & extraordinary have their own distinct names, whereby they are known & distinguished from others.. 2. Where will *Mr Stilling fleet* shew that an inferiour officer was stiled & called by the name, properly belonging unto a superiour officer? where will he finde a *Deacon* stiled a *Presbyter Apostle Prophet* or *Evangelist?* Where will he finde a *Presbyter* stiled an *Apostle* or *Evangelist* (taking these names as restricted to be peculiar names of two extraordinary officers, & not in their generall acceptation as 2 *Cor.* 8,23 & *Phil.* 2,25.) how can it be then that a *Presbyter* was called a *Bishop*, if there was a superiour Church officer going under that name as proper & peculiar to him. 3. Is it not strange that in all the places of Scripture, where there is mention made of this *Bishop*, it cannot be clearly demonstrated that any other Church Officer is or can be understood, then a *Presbyter*, as to *Phil.* 1: *v.* 1. it is beyond all denyall: & as to *Tit.* 1:7. *Act.* 20: 28. There the *Bishops* are expresly called *Presbyters*: And 1 *Tim.* 3:1,2. Is the very parallel of *Tit.* 1.7. In both which places the work mentioned & qualifications, are only the work & qualifications of a *Pesbyter.* 4. What mark will *Mr Stilling fleet* give to know when the spirit of God mentioning *Bishops* is to be understood of mere *Pesbyters* & when he is to be understood as speaking of *Bishops* distinct from

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Presbyters; for neither the name, nor the work, nor the qualifications will point out this distinction of *Officers*, or direct us; which of the two to understand. 5. Let Mr *Stilling fleet* say, whether it be not saifer to conclude an identity of offices from the identity of names, qualifications, & work; then to conclude a distinction, where there is no ground for a distinction, appearing in Apostolick times? 6. Had Mr *Stilling fleet* once proved that there was such an officer, as a *Bishop* distinct from, & superiour to *preaching Presbyters*, instituted by the Apostles, in any of the Gospell Churches, then this notion touching the promiscuous use of the two names had said something; But seing that is not done, both these names must signify, & import one & the same officer: And so these two names shall be synonimous, & not equivocall.

The second thing which he allaidgeth is this *The places most in controversy about the forme of governement may be understood without any apparent incongruity of either of the different formes.* *Ans.* It is certaine they cannot be understood of both, onely the question is, of which of the two they must be understood: And all this which he sayeth will not much advantage his cause; for hence he can onely conclude, that there is a difficulty to finde out the *species* of Government which these places speak to; but not that there is a liberty granted to owne either of the two, because it is not well known which of the two, the places cited, do most favoure. He is pleased to name some few passages, & these none of the cleerest for the Presbyterian cause. But to passe this piece of unfaire dealing, the passages which he mentioneth shall be examined, & then some others shall be adduced, to which his answers will not so well suite.

The first passage which he citeth is *Act* 11. 30. *Which* (sayeth he) *may either be understood of the elders of the Church at Ierusalem or of the several Bishops of the Churches of Iudea.* *Ans.* Is it credible that learned Mr *Stilling fleet* could satisfie himself with this answer? Doth he verily think that these elders were or could be *Bishops?* If so what were these Churches over which they were set? Could *Ierusalem* want a Bishop when the other lesser Churches of *Iudea* had? If *Ierusalem* had also a Bishop who

was he? He will not say that *Iames* was Bishop there, for *Iames* was an *Apostle*, & so, far above an ordinary Bishop; where findeth he the name *Presbyter* in all the New Testament, taken for a *Bishop* distinct from a *Presbyter*? Or where findeth he a company of *Presbyters* taken for a company of *Bishops*? Is it not also strange that where there were so many Bishops, there should not one of them be designed by name. 2. What though there should be nothing in the place (& what wonder when liberty is taken to put such glosses upon it, as cannot be confirmed by any other like passage) that expresly excludeth the one, is not this enough, that there is no thing in all the Scripture speaking for that one, nor any thing in that passage expresly for it? If there be no passage clearing that Bishops were instituted by *Christ* or his Apostles, every passage which speaketh of the governement of the Church by *Presbyters*, excludeth *Bishops*, if it do not expresly & directly include them, as this passage doth not. But 3. Look the context & this will be cleared: It was the Church of *Ierusalem* that sent *Barnabas* thither to *Antioch. Ver.* 22. And *Agabus* the Prophet who did foretell of the famine was come also from *Ierusalem*, *Ver.* 27. And so it was to the Church of *Ierusalem* that *Barnabas* was sent back againe, with this contribution; Because this was the chief Church where were many Christians: & there are few plantations beside found, as yet in *Iudea*, that could make up Bishopricks.

The next passage he citeth, is more considerable, *Act.* 15: *v.* 6. [„ Where, he sayeth, nothing is expressed to make „ us know whether these were the fixed elders of that Church, „ or the Bishops of all the Churches of *Iudea*.] *Ans.* What was said to the last, may be replyed to this also: And further it was the elders of that Church unto which *Paul* & *Barnabas* were sent *Ver.* 2. & this was the Church of *Ierusalem*, *that they should goe up to Ierusalem to the Apostles and elders*. 2. When they came to *Ierusalem* they found the Apostles & elders, there present: what could the Bishops of all *Iudea* be doing there at that time? If it be said, that they came together upon this solemne occasion. How did they know of this occa-

occasion? For the Apostles knew not of it themselves till the Commissioners from *Antioch* told them, *Ver.* 5. [„That „there were certane of the Sect of the Pharisees arisen which „beleeved saying that it was needfull to be circumcised, &c.] And then, *Ver.* 6. [„The Apostles & Elders came together „for to consider of this matter.] He who can imagine that these Elders were the Bishops of the severall dioceies of *Iudea*, may easily cast by the plainest & fullest passages of Scripture that can be, & may imagine what he pleaseth. But to put a close to this, let that passage, *Act.* 16: 4. be considered, where it is said, [„They delivered them the decrees to be „keeped which were ordained by the Apostles καὶ τοῖς πρεσβυτέ„ροις τοῖς ἐν Ἱερουσαλὴμ & Elders in *Ierusalem*,] or who belonged to the Church of *Ierusalem*, or stayed there.

The third passage is *Act.* 21: 11. of which he giveth the same dubious sense, upon as little ground as before, & his conjectures may receive the same answers: Only where he sayes, *They might be the Elders of the severall Churches of Iudea*, he seemeth to prevaricat, for the poynt of difference is not betwixt *Elders* & *Elders*; But betwixt *Elders* & *Bishops*, & betwixt the Elders of that particular Church of *Ierusalem*, & the severall Bishops of the dioecies of *Iudea*: But it seemeth he blushed to name this once, & therefore thought it best to put in *Elders*, but this was not faire dealing. Neither is his conclusion faire when he sayeth, *There is no certainty of the Church of* Jerusalem, *how that was governed, whether by Apostles themselves, or other unfixed Elders, or only by* James, *who exerced his Apostleshipe most there, and thence is afterward called* Bishop *of* Jerusalem: For the question is not whether the Church of *Ierusalem* was governed by all the Apostles, or only by one; But whether by Presbyters in common, or by one Bishop above & distinct from Presbyters: And by this conclusion he would seem to say that there were no Elders in *Ierusalem* at all, & no Governours there, but Apostles one or moe. Moreover it is sufficiently proved by the Presbyterian divines; that the Apostles, when acting in governement together with other Elders or Officers, did not act as Apostles, but as ordinary Officers; And also

that *Iames* did not govern the Church of *Ierusalem* alone, as a Bishop

The fourth passage which he citeth is *Act.* 14: 23. upon which he sayeth, *That no more is imported, but that no Church wanted an Elder, but not that every Church had moe Elders.* *Ans.* whether was this single Presbyter a Prelate, or not? If not, what is this to the present question? The governement may be Presbyteriall where one Minister is fixed to one particular flock. If he was a Prelat, where were his Presbyters under him? 2. It is true κατ' ἐκκλησίαν will signify no more but *Ecclesiatim*, Church & Church; but will πρεσβυτέρους signifie no more but one Presbyter? Had it been said πρεσβυτέρους κατ' ἐκκλησίας it might import, but one Presbyter in one Church: Or yet if it had been said πρεσβυτέρον κατ' ἐκκλησίαν: But πρεσβυτέρους κατ' ἐκκλησίαν must needs import more. *Theodoret* knew the import & force of that phrase, when he renderеth the like passage in *Tit.* thus, ἵνα καταστήσῃς κατὰ πόλιν πρεσβυτέριον, *a Presbytery in each city.*

The last passage which he citeth is *Act.* 20: 17. *There is no certainty* (sayeth he) *whether these elders came only from* Ephesus, *or also from the severall Churches of* Asia *about.* *Ans.* Upon what ground can he once think that the elders of *Asia* may be understood here? He hath none other but this, that it is said; *v.* 18. *that from the first day he came into* Asia *he had been with them at all seasons*, & because he did not remaine all that time at *Ephesus* as appeareth *Act.* 19: 20, 22, 26. But this cannot so much as ground a probability; for it is certane the most part of his abode was at *Ephesus*, for full two yeers & three moneths are specified *Act.* 19: 8, 10. & the rest of the three yeers (if there be not *rotundatio numeri* here) he might now & then have visited other parts, & have most of his residence at *Ephesus*, neither teaching in the Synagogue nor in the School of *Tyrannus*, where he had taught two yeers & three moneths: & so, granting that he might have made some visits, unto the other parts of *Asia*, dureing these Nine moneths; yet he might well say to these of *Ephesus*. *That from his first coming into* Asia, *they had known after what manner he had been with them*, againe it will not hence follow, that others then these of *Ephesus* were

there,

there, more then from these words v. 25. *Yee all among whom I have gone preaching the Kingdome of God*, it will follow that all the people he had preached unto both in *Ephesus*, & in other places of *Asia minor*, & *Asia propria*, were present. But whom can we expect to have been there, except such only who were sent for, viz the Elders of the Church of *Ephesus*? & therefore they are called the *Elders of the Church* & not *the elders of the Churches*, as they would have been called if the Elders of the Churches had been there present: as we hear of the Churches of *Judea Galilee* & *Samaria*, *Act.* 9:31. & of the Churches of *Galatia*, *Gal.* 1:2. Churches of *Asia* 1. *Cor.* 16.19. of *Macedonia*, 2 *Cor.* 8:1. & of *Syria* & *Cylicia Act.* 15:41. so would we hear of the Elders of the Churches of *Asia*. But there is no such thing; only there is mention made of the Elders of that one Church τ ἐκκλησίας. To conclude this, himself sayeth *cap.* 7. §. 2. *pag.* 349. [„That this flocke & Church were „ the Christians of *Ephesus* & that all these spoken to were such „ as had a pastorall charge of this one flock.]

Thus it hath been showne how weak the ground is, upon which Mr *Stillingfleet* walketh, & how litle reason he hath to conclude his notion from these passages which he hath mentioned: & furder the groundlesnesse of his conceite will appear if some two or three passages of scripture be but viewed, which he hath passed by without once noticeing & unto which the answers which he was pleased to give to others, will not quadrate, as. 1. That place. 1 *Cor.* 5. If any look thorow that epistle they shall easilie see that there were many preaching Presbysers in that one Church & here *Cap.* 5. they are about a work of excommunication, & so are endued with episcopall power. In this *Chap.* the Apostle speaketh to them all alongs in the plurall number, & Mr *Stillingfleet*, who is no friend to the independent way, will easily acknowledge that what is there said was spoken to the Church Governours: So then, *Mr Stillingfleet* must say that these Governours were Presbyters of that one Church ruleing it together *communi consilio*: And that they cannot so well be understood of Bish. for one Church should have but one Bishop: So then here is a place which cannot be under-

ſtood alike of both, but muſt of neceſſity be underſtood of a Presbytery, & of a Presbytery having full Epiſcopall power, in the matter of juriſdiction, what *Mr Stilling fleet* will reply to this, can hardly be conjectured. A ſecond paſſage is *Phil.* 1: *v.* 1. where mention is made of *Bishops* & *Deacons*; now theſe Bishops, could not be *Bishops* properly ſo called in oppoſition to, & as diſtinct from *preaching* Presbyters; Becauſe of ſuch Bishops there can be but one in one Church at once, & therefore they behoved to be Presbyters endued with Epiſcopall power, having the thing as well as the name, & Presbyters of that one Church: So that this paſſage cannot be equally underſtood of both, with any ſhew of reaſon. A third paſſage is 1 *Theſ.* 5: 12, 13, 14. Where there are ſome mentioned who were *labouring among the people*, & were *over them in the Lord*, & theſe were to *warne the unruly*, &c. So that in this one Church there were ſeverall Presbyters, & Presbyters endued with power of warning the unruly: *Mr Stilling fleet* cannot imagine, any colurable pretence whereby, without much apparent incongruity, this paſſage may be underſtood of either of the different formes. And ſeing this ground faileth here, we may for all which he hath ſaid to the contrary, arrive to ſuch an abſolute certainty of that courſe which the Apoſtles took in ſetling Churches. So much for this obſervation.

6. It may be *obſerved*; That Presbyterians have more then the practice of the Apoſtles, even their poſitive inſtitutions, in theſe few particulars. 1. In ordaining & inſtituting ſuch & ſuch Officers, as *Paſtours*, *Doctors*, *Elders*, & *Deacons*, as may be ſeen, *Rom.* 12: *v.* 6, 7, 8, 1 *Cor.* 12: 28. *Epheſ.* 4: *v.* 11, 12. In all which places there is no mention made of a Bishop diſtinct from a preaching Presbyter. If *Mr Stilling fleet* ſay, according to his principles, that there was no neceſſity of making mention of him, particularly, becauſe he is no diſtinct officer from a Presbyter, but only impowered by the reſt as their Commiſſioner. Beſide what hath been replyd to this formerly, this may be added here. That if this be truth which *Mr Stilling fleet* affirmeth, he hath waſted much

much paper and paines in vaine, when he went about to prove that no certanety of the practice of the Apostles could be come at whether they did set up episcopall or Presbyterian Governement; for these should not be two distinct Governments: And he had a shorter cut for Answering all the places of scripture, then the way was which he took: Yea he might have spared his whole book, & given out this one *Thesis* for all, viz: [„ Though Presbyterian Governement „be *Iuris Divini* yet the Presbyters, may lawfully intruste „one of their number with some speciall piece of the exercise „of jurisdiction & ordination.] And then he might have had more to say, upon the ground of prudence or the like, for himself, then now he hath. But it is not good to be wise above what is written, & it is best wisdome & prudence to follow the rule of the word. But more over. 2. They have the Apostles institutions concerning the qualifications of these officers, as is to be seen in *Paul's* epistles to *Timothy*, & *Titus*. 3. These officers are commanded to such & such pieces of work, Some to rule, some to teach also, some to take care of the poor. 4. These officers are commanded to attend that work of theirs with all diligence, in their own proper persons, without rolling it over on others *Rom.* 12: 6, 7, 8. The Minister is to *waite on his Ministery*, & he *that teacheth on teaching*, he *that giveth is to do it with simplicity*, & *he that ruleth is to rule with diligence*. 5. In matters of discipline & juridiction they are commanded to Act joyntly, for the officers of the Church of *Corinth* were appoynted to conveen together that they might deliver the incestuous person unto Satan 1 *Cor.* 5, 4, 5. So the brethen the officers of the Church of *Thessalonica* were exhorted to warne the unruly. Now lay all these together. Such & such officers; set to such & such work, & appoynted to attend the same, & ordained to Act joyntly in matters of government, & there is a species of Government, & a species warranted by Divine institution viz: by Apostolick commands; for these positive commands are of a lasting nature till God repeale them againe. Himself giveth some *κριτηρια Marks*, whereby to know

when

when positive lawes binde immutably, the first whereof mentioned *Part.* 1. c 1. §. 6. & *Part.* 2. c. 2. §. 2. Is usefull here viz. *when the same reason of the command continueth still.* Now let *Mr Stillingfleet* shew, if he can, what reason could plead for Ministers acting collegiatly in matters of discipline then, which will not be of force now; was there lesse of the spirit then, nor is now? Or was there fewer able & fit men for to be Bishops then, nor is now? Or was there lesse care to have things done orderly & exactly? or shall we say that all these commands were for that age of the Church only? If so, there is an easie way found to cast all the commands & injunctions of the Apostles, though they were indued with the spirit. Shall it be thought that the command given to the Church officers of *Corinth* to conveen & to excommunicat, did binde them only, & at that time? if so, there should be a wide door opened to much evil, & a way prepared for laying aside all the injunctions & instructions of the Apostles as now useless, & as an almanack out of date. Enough of this consideration.

Obs. 7. It would seem to be a great reflexion upon *Iesus Christ* who was faithfull to him that appoynted him, & that as a sonne & so beyond *Moses* who was faithfull as a servant, *Heb.* 3. 2, 5, 6. To say, that he hath not appoynted a standing forme of Governement in his house. *Mr Stillingfleet* replyeth *Part*, 2. c. 4. §. 1. 1. *That then it must be made appear that the setling of this forme was a part of his mediatory work. Ans.* This may easily be made to appear; for it did belong to his Kingly office, & so was a part of his mediatory work, as well as his instituting of officers in his house, & as Mediator the Government is laid on his shoulders *Isa.* 9. 6. *And all power in heaven & earth was given to him Mat.* 28, 18. He addeth *I grant he is King of the Church, & doth Govern it outwardly by his lawes, & inwardly by his spirit, but shall we say that therefore any one forme of Governement is necessarie which is neither contained in his lawes nor dictated by his spirit? Ans.* No, not at all, for the Government which Presbyterians do account necessary is both contained in his lawes & dictated

by

by his spirit, as is showne; & they reject all other formes only becauſe they are not contained in his lawes, nor dictated by his spirit. He replyeth. 2. *That if this correſpondency hold the Church of Christ muſt be equally bound to all circumſtances of worship Anſ.* The Chriſtian liberty wherewith *Chriſt* hath made us free, should not be abridged in the leaſt, nor should this correſpondency be preſſed ſo exactly & ſtraitly, as to make it bleed; and yet there is no neceſſity to grant that in nothing the correſpondency will hold: It is true as to the circumſtances of actions much is left to Chriſtian liberty now, & ſo under the law, in ſeverall things, much was left to the liberty of the jews. But to ſay that the modell of Governement should come in among circumſtances is to ſpeak without any proof or ſure ground, eſpecially when the Change of the modell will be the bringing in of a new officer, which himſelf will not grant to be a thing left to Chriſtian liberty. He replyeth. 3. *That there is ſuch a diſparity betwixt the Goſpell & jewish ſtate as will weaken the argument Anſ.* Of theſe diſparities he nameth foure The firſt whereof is the ſame with that which went before, viz. our Chriſtian freedome from ceremonies & the like. But will it hence follow that Chriſtians now muſt be at liberty to chooſe what forme of Governement they will, *popish prelaticall*, *Eraſtian*, *independent*, *morellian*, or *Presbyterian*? Muſt they be at liberty to choiſe what officers they will; Or muſt they be left at liberty to cut out their work to them? It is good to ſtand faſt in the liberty wherewith *Chriſt* hath made us free, but it is not good to turn that liberty unto licentiouſneſſe, & to extend it beyond the due bounds. *Mr Stillingfleet* would do well to have a care of the firſt day ſabbath, Leſt he let the morality of that paſſe with the morality of Church governement *in ſpecie*, for his grounds will lead him forth equally againſt both.

The ſecond difference is this, *That the Government of the tribe of* Levi was *agreeable to the reſt of the tribes. & therefore if the argument hold, Chriſt muſt preſcribe a civil Government. Anſ.* whether the Goverment of the tribe of *Levi* was ſo or not, is not very materiall; for this is certaine. *Moſes* was faithfull

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in the house of God ordering all things according to the will of God, So must *Christ* be in his own house & Church, ordering all things there according to God's minde: It is not the Government of the state, but the Government of Christ's house which is looked after. But. 2. Had the Church under the law no Government? Where was their priests & their Levites then? & where was their *Sanhedrin* lesser & greater? Sure this was distinct from the Government of other tribes; Yea even from the Government of the tribe of *Levi*, as it was a part of the state: And as a Church they had other officers then the state had.

His third difference is, *That the jewes were a whole & intire people when one set forme of Government was prescribed them, but the Church of Christ, was but in forming in the dayes of Christ & the Apostles & therefore one could not serve it then & now, when whole nations are converted: A pastor & deacons might serve a a city when converts are few, but cannot when increased to many congregations. Ans.* This will plead for a necessity of multiplying officers of the same kinde conforme to the multitude of beleevers, but will not evince a necessity of having new officers. It will plead for the enlargeing of the same *Species* of Government; but not for the bringing in of a new *Species*: though the garment cut out for one in his infancy, will not serve him when growne in years: yet a garment of the same kinde of cloath will serve. 2. It is strange that when the Church was small she behoved to be ruled by a company of presbyters; but now when she is grown large, one Bishop will suffice: One would think that if the Government had been episcopall then, it should be presbyterian now; for the larger the Church is she requireth the moe Governours. 3. There is mention made of the Churches of *Iudea*, *Galatia*, *Asia*, *Syria* & *Cylicia*; & so of many large countreyes & territories coverted unto the faith, and why might there not such a modell of Government be fallen upon, in those large countreyes, as would suite whole Kingdomes? 4. It is sufficiently known that Presbyterian Governement will suite all Churches, be they lesser, be they larger: were there but one congregation of beleevers in a countrey

trey, Presbyterian Governement will fit that litle Church: & againe were there great Kingdomes & nations converted the same Government would suite them, & most certainly attaine the end for which it was appoynted. 5. If the forme of Church Governm. which *Moses* did appoynt did suite the jews both when they were in the wilderneſſe walkeing as an army & when they were setled in the land of *Canaan*, in a formall & compleat Kingdome, & where their number was multiplied, & when they were under Various sorts of civil Government sometimes under *Iudges*, & sometimes under *Kings*; shall Christ be leſſe faithfull, & not appoynt such a Gospell Government as will suite a greater Church as well as a leſſer, & suite the Church under whatsoever kinde of civil Government she may be?

His fourth difference is almost the same with the second, for it is this, *The jewes lived under one civil Government; but Christians under diverse formes, & then as Church Government, at the first was formed according to the civil Government so should it be now.* *Anſ.* That the jewish Church Government was of the same kinde with the civill Governement is not yet proved, & it cannot be yeeld without probation. 2. The parallel betwixt *Christ* & *Moses*, lyeth not in this, that both did follow one immediat copy: but in this, that both did institute a Government according to God's will, & such a government as he would have set up in the Church & to continue in the Church so long as that polity should stand, that is to say, as *Moses* did appoynt a government which should unalterably endure so long as the temple, the typicall & dark dispensation should stand; so Christ should appoynt a forme which should unalterably endure so long as the new dispensation should last, that is, untill the end of the world; for Christians look for no other change. 3 One & the same forme of Church Government will suite all Churches now, in all time coming, under what soever kinde of civil Government they be, as hath been already said.

Obſ. 8. *Mr Stilling fleet* is not well pleased with such as lay any weight upon the former ground mentioned viz: Christ's being obliged there unto by his office as mediator & King & Lord of his house; & would have them rather proving that

Christ

Christ hath determined a forme of Governement, then that he ought so to have done. Therefore we shall shew that Christ hath so done indeed. And what the Apostles did at his command, or by vertue of the commission he gave unto them, will easily be granted to be equivalent. But to passe this, *Christ* himself hath laid down the maine ground & foundation of a *species* of governement in *Math.* 18: *ver.* 15, 16, 17. For there he is setting down a course, for the removing of scandalls that will fall out among his Disciples, & followers, & ordering the matter, so that when privat meanes will not gaine the offending brother, more publick meanes must be used, & he must be brought unto the Church judicature, & that Church judicature hath power to excommunicat him, if so be he heare them not, as to the removing of the scandall. It is true many parties endeavour to presse these words for their own use; but it will not hence follow that therefore these words are incompetent to determine any one forme; for if this ground be relevant much of the scripture should become incompetent to determine matters of faith & doctine; because severall parties labour to wrest the same to their own judgment. It would be tedious here to examine the clames of all parties unto this place, & the present work is only to deal with Mr *Stillingfleet*, & therefore only his notions concerning this place must be examined.

Concerning this place then, he giveth his judgment, 2. *part. cap.* 5. §. 8. & first he taketh the *trespasses* mentioned to be matters of private offence & injury, & not matters of *Scandall*, & his grounds are these. 1. *The parallel place Luk.* 17: *ver.* 3. *is to be understood of privat injuries; because it is in the power of each privat person to forgive them. Ans.* So said *Erastus* before him but after narrow search it will be found that the forgiving mentioned in the Text *Math.* 18. is a desisting from any further prosecution of the busines, & a forgiving which must not be granted untill the brother be gained: But whether the offending brother be gained or not, all private injuries must be forgiven him, & none must keep up a Spirit of revenge against him; And therefore these *trespasses* must be matters of

Scandall,

Scandall, which, unlesse the offending brother be gained, must be prosecuted untill the yondmost step be used. 2. He sayeth, *It appears from the next words of Peter, ver.* 20. This is another of *Erastus's* shifts: But for answere. It will not appear till *Mr Stilling fleet* first cleare that there is such a connexion betwixt these verses, as will undoubtedly demonstrat that one purpose is to be understood in Both. But commentators shewe the matter to be otherwise, & indeed there is nothing that can so much as ground a probability of such a connexion here, unlesse it be these words, *Then came* Peter *to him*, but whosoever shall look on *Luk.* 8: *v.* 19. shall have the like, thus, *Then came to him his mother*, &c. And yet this was not immediatly after what was said before, as will appear when compared with other Evangelists: And so since it is not certaine that this was immediatly after the former purpose, no reason can be given to evince the identity of these purposes. 3. He sayeth, *If it were meant of any scandalous sin it might so fall out that matters of scandal should be brought before the Church, when only one person knowes it.* *Ans.* It is not said that every such scandall or trespasse whereof only one is conscious should be brought in publick, but that more noture scandalls ought to be brought before Church judicatures, when more privat admonitions will not gaine the offender. But 2. This inconvenience will recurre upon himself, in the case of privat offences.

But next as to the word *Church* he sayes [*It is a select company called together to hear the whole cause & this was agreable to the jewish practice*, pudefacere coram multis: & delictum publicare, *& to this the* Apostle *alludeth*, 2 *Cor.* 2: *v.* 6. *& this is the reproof before all*, 1 *Tim.* 5: *v.* 20. *Ans.* 1. The word *Church* is not usually so taken in the New Testament, & the Hebrew words קָהָל & עֵדָה in the Old Test. do alwayes import a company imbodied in a stated way, as a fixed congregation, either for governement or Worship. *Mr Leigh* in his *Critica sacra* sayeth that among the Grecians, & chiefly the *Athenians* from whom it came, it was used for a multitude

called together by the command of a Magistrat. 2. *Christ* sayeth *tell the Church* εἰπὲ τῇ ἐκκλησίᾳ, & so directeth them to a fixed standing company. 3. That *pudefacere coram multis* being the same with, 2 *Cor.* 2: 6. *the censure of many* confirmeth this; For that censure was by a Church judicature conveened in the name of the *Lord Iesus* to take course with a scandalous person, 1 *Cor.* 5. Againe 4. No commentator taketh the words so, only *Grotius* & other *Erastians* put such a glosse upon them. 5. *Christ's* scope is to have the offending brother gained, & not to have matters of fact which are questionable, cleared. 6. If this be the meaning of the word *Church* what shall be the sense & meaning of these words, *Let him be unto thee as a heathen man & a Publican*? He answereth, *The meaning is look upon him as an obstinat refractary creature, & meddle no more with him, then with a heathen & a publican.* And is this all the punishment which the offender must meet with? Who gave privat men this power to passe such a sentence? But 2. This must be a Church sentence because it is added, *Whatsoever you shall binde on earth, shall be bound in Heaven, &c.* To this he replyeth, *That the meaning is, it is an evidence, that his sin is bound upon him, & that he is lyable to punishment.* But how is his sin bound upon him, or how is he made lyable to punishment? There must be something done on earth, which God must ratify in Heaven, & on earth there is none to do any thing, but either the pursuer himself, or the select company: It cannot be the pursuer, for that were a dreadful & intolerable slavery, to subjecte every man to the lust of his enemy & pursuer. If it be the select company, how or whence have they this power? If they be cloathed with authority, then are they a judicature, & this is the thing pleaded for. And thus, it appeareth that scandals are here understood, & that this Church is a Church judicature, notwithstanding of all which *Mr Still.* hath said to the contrary, which is but the very same, which others had said before him, & which was sufficiently answered by worthy & learned *Mr Gillespy* in his *Aarons rod blossoming* though he will not so much as once take notice of his replyes. The ancients

did

did so understand the place particularly *Orig. Tract. 6. in Mat.*

But that it may be cleared how there is a foundation here laid down for a way of removing of scandals by Church officers *in communi* associated together in a judicature, & so how there is a way laid down for presbyterian Government, let those particulars be considered. 1. From the beginning of the chapt, the Lord is speaking of scandals, & first of scandals given, as is clear, *v.*6:8,9. & after he hath used some arguments to presse his followers to beware of that evill, he cometh *v.* 15. with an ἐὰν δὲ (which may be rendered *but if thy brother*) to another case, about the same purpose or head: viz. to cleare this question what shall be a christians carriage when his neighbour stumbleth or offendeth him, by his unchristian carriage in his ordinary walk: So *Calvin Aretius* & others: & so he is speaking of reall scandals for. 1. They are *Brethren*, or Church members with whom this course must be taken. 2. The offending brother is to be rebuked or convinced of his fault ἐλέγχειν importeth such a convinceing as is for sin *Ioh.* 8: 9, 46. & so the LXX. use it *Lev.* 19:17. where sinnes & scandals are spoken of. 3. He sayes *if he hear thee* & not *if he repay thee the wrong he hath done*, or *if he be reconciled*. 4. Then he is *gained* now κερδάνειν (as *Stilling fleet* himself confesseth) is used for conversion & turning others from sin. 1. *Cor.* 9: 19. 1. *Pet* 3:1. compared with *Iam.* 5:20. Hence. 2. It would be considered that the Christian's scope in this bussinesse should be to gaine the man's soull, & for this cause he is to assay all calme, peaceable gaineing, & private meanes, to bring the offending brother to conviction, & acknowledgment of his fault; & so first speak to him alone, & then take some others with him to be witnes both of his Christian carriage towards him, in desireing to have him gained, & of his unwillingnesse to be gained, that so they may bear witnesse of both, unto the Church judicature. 3. When privat means do not worke, he is to be delated unto the Church judicature; for the person offended must tell the Church: What Church? He must tell *that Church* unto which the witnesses will be usefull, & that is, a judicature; for to that, witnesses have a relation. *That Church* which is able to convince if any

do it. *That Church* whose sentence is the last remedy. *That Church* which hath power to binde & loose. *That Church* which hath power to binde & loose with a promise of the ratification of what they do, in heaven. *That Church* which hath the keyes *Mat.* 16. & power authoritatively to pardon & retaine sinnes, *Ioh.* 20: 23. *That Church* which hath power to pronunce that sentence, after which, the man is to be looked upon, as a heathen & a publican. 4. And when this Church judicature can not get him convinced, they must passe a sentence upon him, & this sentence is the sentence of excommunication, as learned Mr *Gillespy* hath abundantly shewed *Aaron's rod. book* 3. *c.* 2. *&* 3. Hence it is clear. 5. That here is set downe the way of taking away Church scandalls, by inflicting Church censures: And this by Christ's appoyntment is not to be done by any one person, but by the Church officers *in communi* collegiatly; for it was never heard of to this day, either in sacred or prophane writtings that one man was called a *Church* or ἐκκλησία. And this is a good *basis* for Government yea & for presbyterian Government or the Government of the Church *communi consilio presbyterorum*. & here there is not only a foundation for graduall appeals, [as himself confesseth here: though *part.* 2. *cap.* ult §. 8. he would say that presbyterians, found their *subordination of courts*, Upon the principles of humane prudence] for Church censures, & for the lawfull use of excommunication, as he confesseth also; But also for the *species* or modell of Government; Or for the manner of the constitution of the judicatures, which should excommunicat & take notice of Church scandalls; for it is called *the Church*, & so cannot be meaned of a prelat who is no where so called, and yet arrogateth to himself all the power of jurisdiction.

But *Mr Stilling fleet* hath two arguments whereby he endeavoureth to prove that *Christ* did never intend to institute any one forme of Government in the Church, *part.* 2. *c.* 4. §. 4. 5, 6. &c.

This is a great undertaking and his arguments must needs be

be very strong, but whether so or not, the reader may judge.

The summe of the first is this *If there be any such institution of Christs, as a standing law, it must either be expressed in direct termes, which cannot here be showne: Or deduced by a necessary consequence; and no consequences can make new institutions but only apply one to particular cases; And then the obligation of what is drawne by a necessary consequence, must be expressed in scripture. Ans.* It hath been showne that the practice of the Apostles was for a forme of Government, and from their practice, a law may, by necessary consequence, be drawne, considering their place, & office; how they were sent forth to plant Churches, & to set up officers & to appoynt unto each of them their proper work, &c. And for this cause were endued with extraordinary qualifications & assistence, confirming their commission by many signes & wonders: And this carryeth an obligation in its bosome. There hath been showne also a standing law of Christ's, from which a forme of Governement may be deduced, a standing law, about the removing of scandals which will found a *species* of Governement by Church officers in common, as well as appeals, Church censures, & excommunication, & from thence there is an obligation for the one, as well as for the rest. 2. But if all this will not satisfie, let *Mr Stillingfleet* satisfie himself with the standing obligation of the moralitie of the first day Sabbath, & he shall with all satisfie himself as to the standing obligation of the moralitie of a *species* of Church Governement: He can produce no law for the first day Sabbath, but a law deduced by necessary consequence (without any obligation expressed in scripture concerning that which is so drawn by consequence) & if this be enough in the case of the first day Sabbath, why not also in the case of Governement: If he say in the businesse of the Lord's day there was only an application of an institution, to a particular case. It is *Ans.* So is it in the matter of Church Governement, for there was a law for a Governement *in genere*, & this law drawn by consequence, from the practice of the

Apostles & primitive Church, is but an application of that generall to a particular *species* of Governement.

His second arg. is this *All the standing lawes respecting Church Governement, are equally applyable to severall formes Ans.* Are they applyable to the *hierarchie*, to *Erastianisme*, to *independency*, & to *Morellianisme*: Or only to *Presbytery* & *Prelacy*? If only to these two, then all other formes but one of these two are utterly excluded, & there is no more liberty left save to make choise of one of these. But what if this ground of his shall not hold? He referreth all the lawes to these three heads *The* 1. *Head is the qualifications of the persons for the office of Governement, & so citeth*, 1 *Tim.* 3, 1, *to* 8. *Tit.* 1, 5, *to* 10. *Ans.* And may it not be said, useing his own words, *mutatis mutandis*, that all these & the rest, are equally required as necessary in *a Pope*, in a *Patriarch*, &c. As well as in a *Bishop* or *Presbyter*: Yea every one may invent a number of new officers & defend them with this, that all these qualifications agree to them. The 2. Head is. *The precepts requireing a right management of the work, & citeth, Act.* 20: 28. 2 *Tim.* 4: 2. *&* 2: 2. 1 *Tim.* 5: 19, 21, 22. *Heb.* 13: 17. *Tit.* 1: 5. And addeth *there is no precept in all these Epistles to Timothy & Titus prescribeing whether, they should Act solely, or only as* Consul in Senatu. *Ans.* But if the precepts be such & require such a management & such work, as can not, with any possibility, in any tolerable manner, be obeyed & performed, by officers under such a forme, then it cannot be left to the will of men to set up such a forme, & so is the case here. The precepts are not applyable unto prelats: Is one man able to exhort, reprove & watch over a whole dioecy his alone, seing he in all probability shall never see their faces? (And as for delegation of Church power *Mr Stilling fleet* himself sayeth *Part.* 2. *c. ult.* §. 8. *Pag.* 414. That there is not the least footstep of it, either in scripture or antiquity.) Is it possible that one man, can in any tolerable manner, obey these commands, & watch over such a number, over which, Two or Three hundered ministers could not get well watched? God layeth not utter impossibilities on his officers. So then seing

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these precepts are not applyable unto any other forme, then Presbyteriall, his Argument falleth to the ground; Seing it is not imaginable that one man can rule such a numerous people, & watch over them by discipline, over whom fifteen or sixteen Presbyteries, each of them consisting of fifteen or sixteen Ministers, & as many ruling elders (beside the competent number of ruling elders which each particular congregation had) were set, & had all work enough & more then they could well overtake. But. 2. What will he do with that command, 1 *Cor.* 5. given to the elders of that Church to conveen together for an Act of discipline? Doth not that command concerne Gospell Churches now, as much as any of these precepts in the Epistles to *Timothie* or *Titus*? And how is it imaginable that it can be applyable unto one man? Sure then this command is not equally applyable to both formes; For a precept given to a collegiat body, to meet together, is not applyable to one single person. The 3. Head is *generall rules, such as these, that none preach without a call, Heb.* 5: 2. *Rom.* 10, 14. *That offenders be censured, that complaints be made to the Church in case of scandall, that all be done decently in order, & to edification. Anſ* Well then if, it be a standing rule that complaints be made to the Church, it is a standing rule that there should be a fixed Church to receive these complaints, & all the question is whether this fixed Church which can take notice of complaints & inflict Church censures, & excommunicate, can as well be understood of a prelat, as of a body of Church officers incorporated? And if *Mr Stilling fleet* can be able to show that the word ἐκκλησία is or may be taken for one single person, then his notion will be more able to stand; But if not, of necessity it must fall to the ground.

Obſ. 9. It is worth the considering how weighty a busſinesse the matter of the Governement of the Chuch is, & of what great consequence it is to have it modelled aright: For experience hath made it appear, how much more effectuall, for keeping of the Church of Christ pure from errour & heresy, & for beareing downe of Prophanity, & for promoving of the

work of Godlineſſe in power; one *ſpecies* or forme is, then another: And this may ſpeak very much for the Lord's keeping that in his own hand & not leaving it unto any Prince or Poſtor to determine what ſhall be the *ſpecies* of Governement: Eſpecially conſidering with what byaſſes & by-reſpects, the moſt of men are ready to be carryed, & how ready all are to modell Church Governement ſo as may moſt ſuite their own ends, & ſerve moſt to make them great in a world. And hence it hath been ſeen that when men leave the ſimplicity of the Goſpell, & the paterne there ſet down, they run wilde, & never once conſult the edification of the Church, or the promoveing of the work of God in ſouls, &c. But their own baſe ends: And when men will be wiſe above what is written, & follow their own notions & devices God giveth them up to deluſions, & to more ſtrange phancies. And ſad experience hath proved how dangerous it is to depart from the rule of the word, in matter of diſcipline; for by this meanes, it came to paſſe, that the Church did not only get *Biſhops*, diſtinct from, & ſuperiour unto, *Presbyters*; but alſo *Metropolitans*; & after theſe *Primats*, & at length *Patriarchs*, & finally the *Pope*. They followed not the rule of the word, but thought that they were left at liberty, as *Mr Stillingfleet* doth ſadly make out *Part.* 2. *c.* 7. & would have the Chuch as pompous, as the ſtate, & ſo made the ſtate Governement their copie: And therefore as there was one Emperour ſo there behoved to be one *univerſall Biſhop* & *Pope*, whom the world had never ſeen; had not this notion of *Mr Stillingfleets* been in their head, viz. that they might order the matter of Church Governement as they pleaſed beſt: & though *Mr Stillingfleet* make uſe of this as a confirmation of his notion, yet it is ſuch a proof of it, as may make all tender hearted proteſtants tremble at it & reject it, as being the very thing which raiſed up *Antichriſt*.

Obſ 10. *Mr Stillingfleet* is pleaſed in the laſt *Chapt* of his book to gather together ſome expreſſions of Divines at home & abroad in *France*, *Germanie*, & the *low countreyes*, as favouring his purpoſe, which to examine, a work of this nature will

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not suffer, any who will, may do it, & possiblie shall finde some unfaire dealing. However, unto these whom he citeth it will be sufficient, though he had foure for each one, to oppose the testimonie of Churches which may be seen in the harmonie of confessions, & whose testimonie, is of much more authoritie, then the testimonie of Twenty privat divines, & moreover he well knoweth that of privat divines many are against him for one who is for him.

Obs. 11. He telleth the reader in his preface, that he doth not write to increase the controversies of the times, nor to foment differences; but his designe is to allay the heat & abate the fury of that *ignis sacer* or *erysipelas* of contention, & so all alongs in his preface he would make his reader beleve that he designed nothing but peace; & accordingly he intituled his book *Irenicum & a Weapon-salve for the Churches wounds.* No man must search his heart or judge in those matters; but this is certane, if such was his designe, the meanes he hath fallen upon, look not to be very suiteable thereunto; how such an under taking as this shall heale the Churches wounds is hardly imaginable: And therefore it may very well be stiled *a Weapon-salve*, whose way of cureing is not very rationall or obvions to every one; Yea nor naturall, if many may be beleeved. And this phisitian's undertaking shall never cure the Churches wounds by *Sympathie* what ever it may do by *antipathy*: It seemeth to be a sad interlocuture of a judge, when a plea cometh before him, betuixt a rober & one who offereth to produce his evidences & rights for such a possession, to say that all is common, & every man hath a like right to all, & may lay clame to what he pleaseth; & just such is this learned man's determination of the question in hand. The Presbyterians offer to prove their right by the Testament of *Iesus Christ*, & to prove that prelats are usurpers, & his interlocuture is that neither presbyterian nor prelat hath more right then other & each may take what they please. If this be a way of ending controversies & healing wounds, it is indeed by the weapon salve of antipathy: And the reader may judge whether it be not the readiest way to increase divisions, & contention in the

Church; & whether or not these piles that seem very sweet & pleasant to the palate may not prove fuell to that bilious humor which as he himself confesseth, is too too predominant already. Sure it is, he seemeth not be a man for peace who thus hath his hand against every man, & every mans hand against him: But if he would have united the broken, divided, & subdivided Church, he should have taken a way to have strengthened her union with the head: Union in an evill cause is not good- *Pilat* & *Herod* can a gree in a matter against *Christ*, & such an union as this looketh rather like the fruite of the *weapon salve* then any thing else. It is sad that he could not get this *weapon salve* made up without such an ingredient in it, as wrongeth the head & King of the Church: it is an evidence of an Empirick & ill skilled phisitian who cannot attempt the cureing of one desease without the causing of a worse, nor make a salve to cure a wound in the body, till first he wounde & wronge the head. Could this learned man fall upon no way to cure the bleeding wounds of the Church, but such a way, as in some degree & measure is a putting the crown off the head of *Christ Jesus* who is head of the Church, & the scepter out of his hand? for to say that he hath not setled the Governement of his own house by appoynting his own officers, & appoynting each of them to their own work, is to say, he doth not acte the part of a King & Governour in the Church which is his Kingdom, & of how dangerous consequence this is, himself may easily perceive.

Obs. 12. It is likewise strange that this learned man should have made choise of such an opportunity & occasion, wherein to vente his notion, for in so doing he hath no way consulted the good & edification of the Church. Because he might well have known that by his book the higher powers of the land would have been much encouraged, to set up the former prelaticall Government, which had occasioned so much persecution unto the truely godly, so much opposition to piety, & to the work of grace: & so he might well have expected to see all these evil consequences natively springing up againe, & to see the Church of God decaying as much, if not more, then ever; for that is a Governem. which destroyeth the very ends of

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Government, becauſe no man were he never ſo good could governe the Churches after that manner to edification: He might eaſily ſee that one man could not watch over, in all the duties of a watch man, ſo many thouſands, or rather hunderеds of thouſands, as by that Government he would be ſet over. It is true he adviſeth to have leſſer dioeceſes but ſtill his *theſis* ſtandeth, & many will read & ponder his *theſis*, & the drift & ſcope of his book, that will never value or regaird theſe few lines of cautions or of advice, which he ſetteth down in the end of his book. He might well have known that the ſetting up of that Governement would have been (as he may now ſee with his eyes) matter of joy & Gladneſſe unto all the prophane rable in the land, & matter of lamentation & grief unto the godly & pious. He might well have known that by that government, godly pious & conſcientions able Miniſters of the Goſpell, should be perſecuted & thruſt to the door, & prophane lazy & every way unfit men should be put in the Miniſtery, who can do nothing elſe but read the ſervice book & a homily. He might well have known that by that governement ſuch as were no Church officers should have the management of diſcipline, ſuch as *Chancelours* & their aſſiſtants. Yea he might well have known that if that government had been ſet up againe, the whole work of reformation should be demolished & caſt to ground, as he may ſee it done to day, & his eye may affect his heart, if he be a kindly ſon of *Zion*, & a lover of the work of reformation which God owned & carryed on wonderfully to the Amazement of all: & might not theſe things have deterred this learned man from venting his notions, when he might as eaſily have ſeen, as he might have opened his eyes, that the conſequences thereof, should have been bitter lamentation & wo to the poor Church of *Chriſt* in *Britaine* & *Irland*? & what he can pretend to countervaile this damage is not imaginable: For all his pretenſions of peace & union evanish at the firſt appearance of theſe deſtructive, & irremediable inconveniences. And finally it is yet more wonderfull & ſtrange how this learned man hath been ſo bewitched & blinded with his own phancies, as to be in paine untill he were delivered of this

this birth, not considering the unseasonablenesse thereof at such a time. *There is a season & a time for every purpose under heaven* sayeth the wise preacher *Eccles.* 3: 1. *& a wise mans heart* discerneth both time & judgment, *Ecc.* 8: 5. But it seemeth he hath been so desirous that the world should see this monstruous birth, that ere he wanted a time, he would take the most unfit season imaginable, for it; For it is hardly imaginable that he could have chosen a more unfit time, for publishing this is notion; Because though his notion, *in thesi* were unquestionably true, (as it is not) yet *in hypothesi* it could not now be yeelded, the Kingdomes being tyed to one of these formes, by the oath of God, the *solemne League & Covenant*, & so, not at liberty to choose what forme they please. His principles will not suffer him to say that Presbyterian governement is utterly unlawfull, & that Episcopall governement is necessary: & his learning will soon discover a validity in a Covenant about things not sinfull, though not absolutely necessary: & his piety will grant that conscience should be made of such oathes: And now when the Kingdomes were under the oath of God to set up a government most agreable to the Word of God; And to endeavour the extirpation of Prelacy, could there be a more unseasonable time for venting this his notion, touching the indifferencie & lawfulnesse of either Presbyterian or Prelaticall? For suppone his notion were a truth, of what use could it be now, when the Churches hands were bound up, by a solemne vow & Covenant from following their liberty? Sure his disputing so much for the liberty of the Church in such a case, at this time, sayeth that in his judgment the oath of God is of no value, otherwise at least he would have casten in this clause of exception some where, & so have stated the question as a case in *Utopia*, if so be it was as a fire within him that could not be keeped in. And now indifferent readers may judge whether *intentio operis* (I shall not say *operantis*) was union, peace & edification. To teach people to break Covenant with God, & to null their oaths & vowes, is no way to the good & edification of the Church; Such an union by perjury, will be nothing else but

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a sinfull conspiracy; Peace in such away, will be but dreadfull security when the judgments of God are at hand: And such edification is nothing but destruction. But it seemeth his silence in the matter of the Covenant all alongs, sayeth that in his judgment, the obligation of the Covenant is null, & so this *weapon-salve* of his, must be strong, that will eat thorow the bones of a Covenant, but because it is so dangerous & destructive unto the substantials & vitals of Religion, it is the lesse to be valued, whatever vertue he allaigeth it hath for cureing wounds in the flesh. Did he think that tender Christians would get the Gordian knot of a Covenant oath & vow so easily cut as to think themselves at liberty to choose what forme of governement they pleased? Or if he did not presuppose this, of what use, did he think his book would be? Though it were to be wished that this learned man had imployed his talent more for him who gave it; Yet seing he would not forbear the publishing of his notions & conceptions, he might have spoken his minde concerning the obligation of the *solemne League & Covenant*: For so long as that Covenant standeth in force, his notion will evanish as a cloud without raine.

But we must end this digression (in which we have insisted the longer, because it is one of the maine grounds, upon which the complyers of this age do walke) & goe on, that we may hasten to some other particular.

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SECTION XIIII.

Such reasons or objections as are allaidged for taking, & against refuseing of the oath of alleagiance, as it is called, Answered.

BEfore any other particular be entered upon, or this concerning the oath, which is called (though falsly) the oath of alleagiance, passed from, there are some few objections which would seem to militate against the refuseing to swear & subscribe the oath, as it was tendered, which must be rolled out of the way; And these are either such as concerne the civill part, & so seem to weaken the grounds of scrupleing at the oath upon that account, which were laid downe *Sect.* 10, & 11; or such as concerne the Ecclesiastick part, & so seem to weaken the grounds of scrupleing at the taking of the oath upon that account, which were mentioned & prosecuted *Sect.* 12, & 13.

First then as to the civill part it will be *objected.* 1. That there was no ground of scrupleing at taking of the oath upon that account. Becaus it was but the acknowledging of that very power, which did properly belong to him before, & which former Parliaments had recognosced as his due, viz. the 18. *Parliament* of King *Iames* the *VI.* which did acknowledge *his Soveraigne Authority, Princely Power, Royall Prerogative, & Privilege of his Crown over all Estates, persons & causes whatsomever. Ans.* This Objection was sufficiently obviated above, *Pag.* 126. where it was showne that these were but Parliamentary flourishes & complements, grounded upon personall qualifications: And indeed the act seemeth to raise this structure upon his Maj. being put in possession, as the righteous inheritour, of the famous & renowned Kingdomes, of *England, France & Irland* which far surpasse the wealth power & force of the dominons of his progenitours Kings of *Scotland*, & thereby having a greater increase of care & burden, & with all

ll upon his extraordinary graces, most rare & excellent ver-
ues, where, with he was endued for the discharge of that trust.
Now any man of understanding may see that the increase of his
xtensive power & authority, or of personall qualifications,
s no sufficient ground for the increase of his intensive power,
or for the enlargeing of the privileges of the crowne. More-
over it is said expresly in the act that they *ratifie approve & per-
petually confirme the same, as absolutely, amply, & freely, in
all respects & considerations, as ever his Maj. or any of his ro-
yall progenitours, Kings of Scotland in any time by gone, posses-
sed, used & exercised the same.* Whence it appeareth that they
gave no new power, only they did recognosce what he & his pro-
genitours had before. Now, as was showne above, neither he nor
any of his progenitours had such a supremacy over parliaments,
as is now wallaidged to belong unto the crown: For as to that
first *act parl.* 8. *Anno* 1584. it was showne above *Pag.* 125.
how notwithstanding of the supremacy there granted unto the
King, the privileges of Parliament remaine intire, as they had
been continued past all memory of man, without any altera-
tion or diminution whatsomever: And after this *Anno* 1587.
in the 11. *Parl. act.* 33. the ancient order, dignity & integri-
ty of the parliament is restored, & particularly *act.* 40. the King
doth faithfully promise to do or command nothing which may
directly or indirectly prejudge the liberty of free voteing of the
Estates of Parliament.

But 2. It will be *objected*, That all this supremacy was ac-
knowledged by the *Parliament* 21. *Anno* 1612. when the
Acts of the Assembly at *Glasgow Anno* 1610. were ratified,
among which this was one, that Ministers should swear the
same oath which was tendered by this Parliament, & which is
there set down. *Ans.* It is true it was appoynted by that pre-
tended Assembly that Ministers at their entry, or admission to
the Kirk should, *Testify & declare, that the King was the only
supreme Governour of the realme as well in matters Spirituall &
Ecclesiasticall, as in things temporall, &c.* And it is true this
Parliament did ratify & approve this deed, so that it had the
force of a law. But 1. There is a great difference betwixe
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such a civill sanction as this is, & an other Act of Parliament; other Acts stand in force untill they be repealed, but, when the Church constitution, which is the ground & *Basis* of the civill sanction, ceaseth, the sanction ceaseth, & the Act perisheth, without any formall repeall: The Act ratifying & approveing the deed of a Church judicature, standeth in force no longer, then the deed of the Church judicature standeth in force, & the deed of a Church judicature may be altered without any respect had unto the civill sanction, or notwithstanding that the civill sanction is not formally removed, because the civill sanction did follow & depend upon the Church Act, & the Church Act doth not depend upon the civill sanction. 2. It is not incumbent unto a Church judicature to determine the limites of the King's civill supremacy, far lesse to determine the same in the first place: & this pretended Assembly was more anxious about the King's Ecclesiastick supremacy, then the civill, & it was his supremacy in Church matters which was hereintended by them, & approved by the Parliament: And therefore it is added, *And that no forraigne Prince, State nor Potentat hath or ought to have any jurisdiction, power, superiority, preheminence or authority Ecclesiasticall or Spirituall.* 3. What ever civill supremacy may be supposed to be here included, there is no supremacy over Parliaments acknowledged; But any civill power that is here recognosced as his due, is in opposition to forraigne Princes, States, or Potentats, & not to Parliaments within the Kingdom. If it be said that the oath tendered by this *Parliament*, *Anno* 1661. being every way correspondent unto that oath which is recorded *Parliament* 21. *Anno* 1612. can import a recognoscing of no more civill power then that *Anno* 1612. & therefore might lawfully have been sworne It is replyed. That the oath *Anno* 1661. is more expresse for civill power & supremacy, then that *An.* 1612. But if there had been no more, then the words of the oath *Anno* 1661. there had not been very great ground of scrupleing at the taking thereof upon the account of the civil part: for it is not the words of the oath, that ground that scruple upon that account, so much as the glosse put upon the words, by their other acts

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particularly by the act for acknowledging his Maj. prerogatives which as a commentary, explaineth what they meane by his being supreme governour over states civil, & in all causes civil: Now the like of this was not done by the parliament *Anno* 1612. Or any other before or since that time, till this parliament *Anno* 1661. which hereby hath put another glosse upon the civil part of the oath then ever was done before.

But. 3. It will be *objected* May not Parliaments give more civil power unto the King then he had before & so enlarge even *intensivè* the privileges & prerogatives of the crown & so denude themselves of that in whole or in part, which did formerly appertaine unto them: And when the Parliament hath done this & annexed such & such power unto the crowne, can it be unlawfull for privat subjects to acknowledge that the King hath indeed so much power. *Ans.* in poynt of law it will be a very great question, whether Parliaments who are but trustees intrusted by the people, whose commissioners they are, & virtually if not expresly bound to maintaine their rights & privileges, may betray their trust, & give away the iust & ancient privileges of Parliament & there with the just & ancient liberties of the people. It will be a great question if they at their own hand, may alter the foundamentall lawes of the land, without the consent of these whose commissioners they are. And it will be a greater question in law; if this Parliament might have sold or given away the privileges of Parliament, & liberties of the people, seing so much in poynt of law may be objected against its being a free Parliament, if the want of freedome of election in shires & brughs, if prelimitation, if the election of such as were not capable, by the foundamentall constitution of Parliaments, & practice of the Kingdome, & other informalities, of that kinde, may have any place or weight in the anulling of Parliaments. But. 2. In poynt of conscience, it is clear that Parliaments may not now give away & according to their pleasure dispone of the rights & privileges of Parliament, for in the third article of the league & covenant, all the people of the land, & Parliaments among the rest, are sworne

to maintaine in their severall places & capacities; & so Parliaments, in their Parliamentary capacitie, the rights & privileges of Parliament. 3. Though the Parliament notwithstanding of the bonde of the covenant, should denude themselves of their privileges; yet now seing every particular member of the Kingdome is sworne, according to his place, & station to maintaine the rights & privileges of Parliament, they may not assent unto such a deed of the Parliament, & by their oath & subscription, approve of such a wrong; for that is the least that private persons, who desire to minde & make conscience of the oath of God, can do, at such a time, viz. to refuse to give an expresse, clear & positive assent, unto such a wrong done to the rights, & privileges of Parliament, contrary to the covenant. But 4. All this is to little or no purpose; for there is not the least syllabe in all the Acts of this Parliament which doth import any new deed of gift, but all alongs they speak of these prerogatives as formerly inherent in the crown yea as essentiall to it, & hence it is, that they condemne the actings of the Parliaments & Kingdome of *Scotland*, these many years by gone, because done in such a way as was an actuall & insolent (as they say) incroachment & invasion upon the privileges & prerogatives of the crowne.

Obj. 4. The acknowledging of the prerogative is distinct from the oath of allegiance & therefore seing they were not put to take that acknowledgement, they could not refuse the oath upon the account of these consequences contained in the acknowledgement. *Anſ.* So is the *Declaration* dated *Sep.* 2, 1662. Set down as distinct from the *Acknowledgement* & yet who ever sweareth & subscribeth the *Acknowledgement* doth sweare & subscribe the *Declaration* upon the matter: so is it here, who ever taketh the oath of alleagiance doth upon the matter take the acknowledgem. also; for it is not possible to see any discrepancy betwixt them, save such as is betwixt the text & the commentary; for the acknowledgm. is nothing else upon the matter, then an explication or *Exegesis* of the oath, & in the acknowledgem. the same thing is said & affirmed in plaine full & clear tearmes, which is but in generall affirmed in the oath.

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By their Acts they declare what things they account privileges of the crowne, & all these they comprehend under his supremacy, & so in their account his supremacy over all persons, & the prerogatives royall, or privileges of the crowne, are all one. Therefore they could not acknowledge this supremacy, because they could not acknowledge the prerogatives royall: See this objection further answered above, *Pag.* 168.

In the next place, there are objections of another nature, which must be answered; as. 1. *Obj.* Such as refuse this oath of alleagiance declare that they are not dutyfull & loyall subjects, which Ministers & Christians ought not to do *Ans.* It hath been shown neat the beginning of the tenth Section, what difference there is betwixt this oath, & the oath of alleagaince, & there is no Minister or Christian who would scruple at the taking of the pure oath of alleagiance: Yea they would account themselves obliged to take the same, if there were any necessity or just suspition of disloyalty in them, which might occasion the same. King *Iames* in his book called *God & the King* sheweth that those treacherous persones, who occasioned the framing of the oath of alleagiance, were the Pope's bloody emissaries following the principles of *Rome* & practiseing unparalleled treacherie against King, Queen, & Parliament, among whom, none will have the fore head to reckon such as did now refuse the oath, as it was tendered. It is the supremacy in Church & state, which only was scrupled at, & the acknowledging of this supremacy is no part of alleagiance; for one may acknowledge, his father to be his father though he should not say that he hath power, as a father, over his soul & conscience: one may acknowledge the King of *Britane*, lawfull King of his dominions though he should not acknowledge him to have as much dominion & power over them, as the great *Turk* usurpeth over his dominions: And therefore let none so interpret that passage of the *Apology* for the ministers of *England pag.* 2. Where they prove that, they cannot be challenged as guilty of *Læse Majestie*, because they acknowledge that the *King is defender of the faith in all causes, & the supreme head & Governour; over all persons as well ecclesiastik as civil*, as if they

would assert that all in *Scotland* who do refuse this oath & acknowledgement, were guilty of *Læse Majesty*; merely upon the account of their refusing of the oath, seing, as hath been showne, their case & the case of *Scotland* is not every way the same, & though they give out this is an evidence of their loyalty, yet they do not pitch upon it as *proprium quarto modo* unto a true loyal subject.

2. *Obj.* Will you allow his Maj. no power in Church matters. *Ans.* yes, Even all that power which the first confession of the Church of *Scotland* doth allow, viz. *the conservation & purgation of religion, the maintenance of the true religion, & the suppressing of idolatry and superstition* as also all that which the later confession concluded by the Assembly of divines at *Westminster* doth allow: As also as much as sound reformed divines grant unto him, according to the word of God: He hath power ever the τὰ ἐξω things extrinsecall, that properly belong unto the outward man, & are common to the Church with other societies. He is *Custos utriusque tabulæ*, in a civill manner, & must have a care of both the tables of the law. It were tedious here to set down all the particulars: See *Gillespy* in his *Aarons rod blossoming*, *lib.* 2. *cap.* 3. & the C X I. Propositions, which are full enough to this purpose.

3. *Obj.* Why then was this oath refused seing no more was required thereby? *Ans.* More, yea much more was required, as appeareth by what hath been said, & cleared from their Acts & actings, especially from their refuseing of the sense given in by these *Ministers* who were detained so long prisoners in the Tolbooth & thereafter banished, which was large enough, & possibly larger then some of these who gave it, afterward upon second thoughts would approve: It is beyond questioning, that this Parliament giveth unto the King by vertue of this prerogative & as annexed to the crown far more then ever the confession of faith of that Chuch or any other protestant reformed Church, did give. And as they give; so he taketh more, as might be evidenced by his letter unto the Archbishop of *York* if it were now at hand.

4. *Obj.* But whatever they assume to themselves it is not much

much matter: Seing none are put to affirme, that so much power doth belong unto him, & the oath tendered hath not so much in it, *in terminis*, *Ans.* When an oath is contrived in such generall & comprehensive termes, as may take in much & when there is no other way to finde out the iust latitude & meaning of it; but by their Acts & actings who tender it, it is of much concernment to know, what sense their actions will put upon it, for by their actions, the true sense must be learned: For it is a received & known principle, that oaths must be taken according to their known sense & meaning of the words, who tender the same; because oaths were first invented for their security, & therefore whosoever would deal honestly & Christianly in taking an oath, must take it in the very sense that it is understood in by such as tender it: Otherwise the holy name of God shall be taken in vaine, & the takers of the oath shall deal deceitfully in frustrating the end of the oath, & the designe of the tenderers thereof. To take an oath *Quatenus*, *Eatenus*, in so far will not satisfie as worthie *D. Voetius* judgeth *de Pol. Eccl. p.* 283.

5. *Obj.* This shieneſſe were good in case the oath as worded could bear such a sense as is supposed to be meaned by the tenderers. But it is not so here. *Ans.* It is certane the oath (as to the part controverted) is conceived in generall termes: It is certane that their sense who tender it, is not found: & it is certane that there is nothing in the oath contradicting their sense & meaning: Yea it is certane that the very oath it self, as worded, will take in all their sense & meaning; For it giveth to him a supremacy of power both over Civill & Ecclesiastick persones & causes, *all persons*, & *all causes* will take in both, & *supreme Governour over all these persons*, *& in all these causes*, will take in a great power, & a very large supremacy: Yea the very grammaticall construction of the oath will bear this large sense fully enough. Any of understanding may easily see these three things here. 1. That the King is the same way supreme Governour over Church men, as he is over Civill men. 2. That he is made the same way Governour in Church causes, as in Civill causes. And 3. That he is the same way Governour over Church men in their Church

capacity, or in their Church causes & actions; as over Civil men in their civil capacities, & in their Civill causes & actions.

6. *Obj.* The sense can be no other then this, That he is supreme Governour over all persons what ever action they be about, as if he were in a ship he should be supreme Governour over all the persons there, what ever their trade or occupation were, & of the Governour of the ship among the rest; And yet it will not follow, that he is the supreme Governour of the action of guideing the ship, but only that the Governour of the ship, while he is guideing her, is a subject: And just so is it here, as to Churchmen. *Ans.* Even his supremacy over civill persons in civill causes is much to be questioned as hath been said; But to wave this here, their Acts & deeds which are more authentick interpretations of the oath, then any privat conjectures, speak some other thing: were the oath worded thus, *he is supreme Governour over all Persons*, this objection would have some colour, but when it is said *in all causes*, yea *& in all causes*, all is wrong. Next it is certane from what hath been said Sect. 10, & 11. that they intend more as to the civill part, then that he is supreme Governour over civill persons & that they remaine subjects while about civill Actions; For he is made supreme Governour over civill persons, & in civill causes; And must it not be so likewise, as to the Church part, seing the oath puteth no difference lesse or more betwixt them? 3. One maine end of the oath was to shoulder out the Pope & his power & this was an immediat cognition of Church affaires, & a power not only over persons, but over causes; And what was taken from the *Pope* with the one hand, was devolved on the *King* with the other. 4. The *simile* is a plaine *dissimile*, as it is set down: but make the parallel run thus. There is a forraigner within the ship challenging power of making lawes to all persons within it & particularly to the pilote, & power of judging him in his actions as pilote, betwixt whom & the Prince the debate cometh to that height, that he is ejected, & to the end, he may never be re-admitted, the Prince imposeth an oath upon all within the Vessall, & particularly upon the pilote & seamen, That they should acknowledge

him

him to be their only supreme Governour, & in all their actions & causes. And then any of ordinary capacity may discerne whether or not the pilot be not bound by his oath to acknowledge some thing more then that he is a civill subject while he is about his calling & work. But all this is to no purpose now seing their Acts & actings make the bussinesse clear enough as is shown above.

7. *Obj.* Where a Civil Magist. is affirmed to be Govern. of his dominions, by common intendment this must be understood of a civil government, & may not be extended to that of another kinde. *Ans.* With all due respect to the reverend author of this reply, viz. Bishop *Usher* in his speach concerning *the oath of supremacy in the Starre Chamber* in *Irland*. This doth not satisfie; because by the same reason, might one who were clear for the primacy of *Scotland*, lawfully swear, that the Archprelat of *Saint Andrews* were supreme Governour of *Scotland*, over all persons & in all causes; because, by parity of reason, when the governement of a Church officer is spoken of, by common intendment, this must be understood of an Ecclesiastick governement & may not be extended to that of another kinde. And yet no doubt, this oath would be scrupled at, notwithstanding of that common intendment. But 2. Their acts & deeds destroy that common intendment, & respect must be had to their intendment, & not to the common intendment. 3. Even as to this common intendment in respect of the civil part it hath been showne what just ground of scruple there was.

8. *Obj.* No other thing can be understood, for he is capable of no more, & the predicat can agree no further to the subject, then its capacity will permit. *Ans.* This is a shift for Children, but for none else: For. 1. Such subjects are seen to assume to themselves more, then they are truely, by any law of God, capable of. 2. By this meanes one might swear that the civil Magistrat were *Head, husband, King & saviour* of the Church without all hazard of perjurie for these predicats can agree to him no further then he is capable: As also one might lawfully sweat that the *Pope* were supreme civil judge of the King's Dominions, yea & swear the greatest untruths imaginable; but such *Salvo's* will prove too narrow to cover perjury in the day

of accounts. 3. Oaths are the end of controversies, but this oath should then decide no controversie: For the King's power should be as uncertaine, as ever it was, for all this oath. 4. The question is not so much what power doth really appertaine unto the civil Magistat, but another thing founded on this, viz. what power may one lawfully say & swear doth indeed belong to him: And will any be so prophane & grosse, as to say, It may be acknowledged by oath, that he hath more power then indeed he hath? Such like metaphisicall distinctions, will not defend from the wrath of God, in the day when he shall be a swift witnesse against all false swearers.

9. Obj. Is it faife to contend with heigher powers about such things, & bring on such sad sufferings? *Anſ.* Christians should be most taken up with duty, & should not value sufferings: They should buy the truth, & by no means sell it, & this matter under debate is no small busſinesse, whatever some may think. Not to mention here the sad consequences of this oath, as to the civil part thereof, if the Ecclesiastick part therof be only noticed it, will appear to be a matter of greater moment then every one will beleeve; as may appear from the reasons mentioned. *Sect* 12. Men who would be accounted loyal subjects unto a King of clay will think it their duty to stand & contend for a small & inconsiderable bit of a thing, going under the name of a privilege of the crown, to the hazard of life & all; & shall any Christian accounte such things, as are reall privileges of the crown of Christ, frivolous, And not worth the hazarding of any thing for? The asserting of *Christ* to be *head* & *King* of his Kingdom, which is distinct from all other Kingdoms upon earth, & that he alone hath power to rule this his Kingdom, with his own lawes, & by his own officers; And that none may rob him of his crowne & scepter, or of any part or pendicle thereof, seem to be no small matters. Who will condemne the generation of the righteous who like valiant souldiours, have stood for the defence of their master's prerogatives, & would not give their consent, unto the spoiling of his crown, no not in the least, even when condemned to death therefore, & banished out of the land of their nativity: The words of famous

mous *Mr Welsch* in his letter to the Lady *fleeming* from his prison at *Blackneſſe Iaw.* 1606. Are worthy to be noticed & keeped on record *What am I* (sayeth he) *that he should first have called me, & then constituted me a minister of glad things, of the Gospell of salvation, these fifteine yeers already, and now last of all, to be a sufferer for his cause and Kingdom; to witneſſe that good confeſſion that Ieſus Christ is the King of saints, & that his Church is a moſt free Kingdom, yea as free as any Kingdome under heaven, not only to convocate, hold, and keep her meetings, conventions, and assemblies: But also to judge of all her affaires, in all her meetings and conventions, among his members and subjects: These two poynts.* 1. *That Christ is the head of his Church.* 2. *That she is free in her governement from all other juriſdiction except Christ's are the speciall cause of our impriſonment being now convict as traitors, for maintaining thereof. We have been waiting with joyfulneſſe to give the laſt teſtimonie of our blood in confirmation thereof. If it would pleaſe our God, to be ſo favourable, as to honoure us with that dignity.*

Obj. 10. Howbeit the matter as set forth by you seem considerable; yet as comprehended in the oath, it seemeth very inconsiderable: Were these things expreſly affirmed, there were some colour of reason for refuseing to acknowledge the same; but seing they are only your inferences & groundleſſe feares there is leſſe reason to refuse the oath. *Anſ.* It is no new thing, for sufferers to be blamed as faulty: This is certaine, & every one may see it, that the temptation is stronger for taking then for refuseing of the oath, there being much more outward & worldly advantage to be had by taking then by refuseing of it; and therefore such should be Christianly sympathized with seing the matter they stand upon, is not trivial, the buſſineſſe they contend for is concerning the due bounds & marches of the Kingdome of Christ, & concerning the juſt extent of the privileges of his crown; & if they be miſtaken, it is in this they are miſtaken: They desire not to rob the civil Mag. of his due; but when they apprehend that there is an incroachment made by him upon the privileges of Christ, as King & head of his Church, no tender Christian will blame them for

standing upon their ground; & to be willing for the interest of their Lord & master to lose their liberties, yea & their lives too But. 2. It is sufficiently manifested already that neither these inferences nor their feares, were groundlesse, so that it were superfluous to adde any more here for clearing of the same.

Obj. 11. But the Parliament or Councell would give liberty to persones to explaine themselves, & to expresse what their meaning of the oath was, & in what sense they would take it: Why was not this favour accepted? might they not have taken it in their owne sense, seing no doubt, that would have been a saife sense? *Anſ.* 1. Some indeed reporte that this favour & courtesy was conferred on them in private, and therefore they had no scruple to take the oath: but all had not this in their offer. 2. Others as wise & judicious, would have looked upon such an offer as no favour or courtesie at all, & indeed it deserveth not the name of a favour, to give liberty to any to mock God, others, & themselves; Such a liberty could be nothing else but a snare to the conscience: For, by words, to put a glosse upon a written or printed oath, which in strick construction it will not bear, & then sweare it & subscribe to it, is to mock the most high who will not be mocked. To subscribe an oath *in terminis* as it is offered, & set down in write or print, after it is mentally or verbally glossed, is to stumble the truely godly, & to harden the wicked in the age present; & to mock posterity, who shall see the oath *in terminis* subscribed, but neither see nor hear of the glosse, which as a *salvo* was cast in; yea & it is to deceive themselves by intangleing themselves into the bonde of a sinfull oath, with faire speaches & plausible apprehensions, or rather dreames. But. 3. Why would they not suffer such as they required to take the oath, to set down their sense in plaine tearmes before their subscription? And why would they not rest satisfied with that which the Six or Seven forementioned ministers did? Sure, if it had been tendered upon any other account then as a snare to the conscience, this would have been granted; but it is true, the taking of the oath after that manner, would not have served their purpose so well as now it will, when subscribed as set

down

down *in terminis*: *litera scripta manet*, & *dolus versatur in generalibus*. 4. Who ever would have fuller satisfaction to this objection let him consult *Doct Sanders. de jur. prom. oblig.* præl: 6. §. 10. whose words shall be here translated & set downe at length because so full & satisfactory *dico* (sayeth he speaking to the same case) &c. *i.e. I say, that it may be suspected, that there is some deceit lurking & therefore every pious & prudent man should refuse such an oath offered under such termes.* 1. *Because in the oath it self, truth is required; but a proposition having an indefinit and ambiguous sense, before there be a distinction used for clearing, is no true proposition, yea it is not a proposition at all; for a proposition, (as children know by it's definition) should signifie either truth or falshood without ambiguity.* 2. *Because of him who tendereth the oath, for the proper end of an oath, is that he in whose favours it is taken should have some certainty of that whereof he doubted before, but there can no certainty be had, out of words which have no certaine sense.* 3. *Because of him who sweareth who if he take such an oath on these termes, either stumbleth his neighbour or else spreadeth a net for his own feet; For to what else should such collusion tend then either that by our example others (though against their conscience) may be induced to take it, & this is to lay a stumbling block before them; or that afterward by vertue of that oath some thing may be required of us which is either unlawful or hurtful & this is to lay a snare for our selves. Therefore let every prudent man bewar of suffering himself to be deceived by these wiles & of thinking so much either of the favour or of the ill will of any other as to swallow the bate under which he is sure there is a hook. It is expedient that in the matter of oaths all things be done aright, & that the sense be clear to all, & that is* jurare liquido *to swear with a clear conscience.*

> Sic tamen & liquido juratus dicere posses.
> *When in thy conscience thou art clear.*
> *Then may'st thou without scruple swear.*

Obj. 12. Though the Parliament upon grounds of state policy should not think fit to alter the words of the oath, which have

have been condescended upon by former Parliaments, & set down in their Acts; But keep the same *in terminis* lest giving way to alter upon the desire of one, they should alter & change it *in infinitum*, according to mens severall phancies & desires: Yet to hazard upon suffering upon such an account cannot be commended. *Ans.* 1. Every sin even the least must be shuned upon any hazard; Yea all are commanded to abstean from every appearance of evill. It may be suffering for righteousnesse sake, in the eyes of God, which men may account suffering for needlesse scrupulosity. If they had been of the same judgement with such divines (called so at least) who now a dayes publish to the World, their new found out principles, whereby all oathes may be loosed, or broken rather as rotten ropes; They might have taken & digested a cartfull of oaths (to use the expression, which some who now have renunced that oath & Covenant which once they swore, did utter, when minded of their former oaths) & never once enquired whether lawfullor unlawfull (& to say this on the bye it is no small matter of admiration to think what security, such can expect from fothers by oaths who themselves professe & publish the Art of loosing all the bondes of oaths; but it would appear that, this is not the thing designed, but rather this that seing they know such as they have to deal with are men of conscience, they would have them either ensnared, in the same guilt, & drawn unto the same excesse of wickednesse & Atheisme with themselves, or else exposed to their fury & cruelty) but they love not such principles of prophanity & Atheisme, but rather desire to feare an oath knowing that God is jealous, & will not hold such guiltlesse as take his name in vaine. 2. If this be the oath of alleagiance, it is very farre changed from what it was, as was showne above Sect. 12. & it is not faire to change it so as to make it worse. 3. In the matter of oaths, reason & religion would require, that the meanest who are concerned in it, should be condescended unto: Rulers should follow the laudable example of *Abraham*, who did condescend unto his servant in the matter of an oath, which he was tendering unto him: It is consonant both to reason & Religion, that oaths,

before

before they be imposed; Be examined againe & againe, and so worded, as none, no not the meanest, who is endued with understanding in those matters, may have the least reall ground of scruple. And as to this oath, they are not a few conceity & self willed persons, who scruple at it, but if Impartiall search be made, it will be found that the most understanding, faithfull conscientious & Zealous in the land, both Ministers & others, do stumble at it, & that not upon imaginations & feares, but upon reall & evident grounds. Now, no doubt, understanding Christians, will easily grant, that in such a bussinesse their stumbling of so many, so able, eminent, & gracious, is not to be despised: And none will deny this but such as would plead for a lawlesse liberty to Magistrats, to tyrannize over the souls & consciences of people, which were a more dreadfull tyranny then any exercised by the cruelest *Nero* or *Caligula*, that ever was. But. 4. If they would not alter or change the words of the oath, might they not have published such a sense of the oath as none might have scrupled at, there are severall acts of Parliament explicatory of former acts, & why might not this have been explained by a new act? 5. What these grounds of state policy are why they would neither helpe the oath & worde it otherwayes, nor yet give a sound glosse thereof, & make it as publick as the oath it self, is not very needfull to enquire; yet there are some so obvious & conspicuous that he who runneth may read them, viz. That if the oath had been conceived in plaine, clear & saife tearmes, or so interpreted as that no scruple had been left in the mindes of tender Christians, it had not proved such an engine to warpe out of the land under the notion of disloyall persones, such as feared an oath & durst not comply with foresworne prelats, or their wayes.

SECTION XV.

Concerning the hearing of such as are now thrust in upon the people in the Roome of those who are put away.

WHen by these wayes forementioned a great number, even the third part of the Ministery of *Scotland*, was put from preaching the Gospell, & banished from their own, parish Churches: There were a number of naughty base men who had denyed the faith which once they professed; & renunced that covenant which they had sworne with hands lifted up to the most heigh God; Men for the most part of flagitious lives, corrupt both in their principles, & in their conversation, unfit to have the privilege of Church members, in any well governed Church, let be to be officers in the house of God: And men who will willingly comply with any course which Satan & his instruments can set on foot, thrust in upon the people, sore against their wils, having presentations from patrons, & collations from the prelats, & no more, for a call. And there are others, alas too too many, who being in the Ministerie before, have basely betrayed their trust, & complyed with those abjured prelats, & gone contrary to that covenant which both themselves did sweare, with hands lifted up to the most high, & which they caused all within their severall congregations to sweare, in a most solemne manner, as hath been showne above: And now did the tryall come near to the doors of the poor people for there was an *Act* of *Parliament*, *Iul* 10. 1663. Enjoying the people *to attend all the ordinary meetings for divine worship under these paines & penalties, viz. each nobleman, gentleman & heritour the losse of a fourth part of each yeers, rent, in which they shall be accused & convicted: And every yeoman, tennent & farmer the losse of such a proportion of their free moveables (after payment of their rents due to their Master & landlord) as his maj. Councell shall think fit, Not exceeding a fourth*

part

part thereof. And Every burges to lose the liberty of merchandizeing, tradeing, and all other privileges within brugh -- & the fourth part of their moveables ——— and such other corporall punishments, as the Councell shall think fit. And yet notwithstanding of this act, faithfull & honest Christians were constrained in conscience, to withdraw; & could not yeeld obedience unto this act; but resolved rather to suffer affliction, what ever it might be, then countenance such as had intruded themselves without a call, & had made such defection from the truth & cause of God; & for this cause many have suffered, & many are put to suffer dayly, whom no tender hearted Christian will or can condemne, if these few particulars be considered.

1. To yeeld obedience unto this act enjoyning them to hear such men alwayes & to attend all the ordinary meetings for worship, & so to countenance them as lawfull pastours, were to comply with the sinfull defection of the time, as appeareth from these two particulars. 1. It were a countenanceing of these men who have broken covenant, & overturned the whole work of reformation, & an approving of them in the same; for themselves look on all such as obey that act, as their friends; & the act it self sayeth that *a chearfull concurrence, countenance & assistence given to such Ministers, & attending all the ordinary meetings for divine worship, is an evidence of a due acknowledgment of, & hearty complyance with, his Maj. Government ecclesiasticall & civill, as now established by law within this Kingdom*, for in order to this last, the act sayeth that this Maj. doth expect the former; And experience proveth much of this to be true, viz. that such as do countenance them after this manner do indeed approve of them, & by the contrary they look on others, as disaffected persons, so that obedience to the Act is the very badge of complyance; And therefore upon that account cannot in conscience be yeelded; for in such a case many things which otherwise might be lawfull or indifferent cannot be lawfully done; as being most inexpedient, & what is not expedient, in so far as not expedient, is unlawfull, & unedefying; & therefore must not be done, as *Paul* sayeth, 1 *Cor.* 10. *v.* 23. 2. It were some way also the acknow-

knowledging of the power & authority of Prelats: And so contrary to the league & Covenant, & the reason is, because, these men come forth, from the Prelat having no other call or warrant, but what the Prelat giveth: And so a receiving of them is a receiving of the Prelat, as a refuseing to owne them, will be accounted a slighting of the Prelat & his power. These things will be clearer, if two things be considered 1. That now there is no door opened for getting any wrongs redressed, & corruptions in the ministery, which creep in & abound, removed; There is no accesse for grieved persons to presente their grievances; Corruption & defection is carryed on with such a heigh hand, that there is no liberty once to speak or object against such & such corruptions; Yea all these corruptions are approved: So that all possibility of getting any redresse made, is away: And in such a case as this, when privat persons have not accesse to propound their objections, against such or such a man's exerceing the ministeriall function, or no hopes of getting a hearing; But by the contrary such persons as they would objecte against, would be the better liked; And these things, which they might objecte as hainous crimes, would be accounted vertues & matter of greater commendation; what can they do else, but withdraw & not countenance such vitious & naughty persons, nor do any thing which may import, a consenting unto, or an approving of these grievous wrongs & enormities: Especially considering. 2. How there is now no other way left for persons to exoner their consciences before God & the world, & to declare their Non-conformity unto this wicked & corrupt course of defection: All other doors are barred by law, so that now they must either give testimonie against this course of defection this way by refuseing to give obedience unto this Act, & to countenance these men (whose chief qualification is perjurie) as Ministers of the gospel; or else they must be accounted consenters: For how else shall their dissatisfaction be known. There is no patent door now, for any legall exoneration of their consciences by remonstrances, & protestations, the Parliament haveing declared such Actions to be treasonable: Yea there is not so much as liberty

granted

granted for petitioning or supplicating against any such abuse: And of necessity, they must some way or other give publicke testimony against these courses (for they must not partake of other mens sinnes) as are carryed on, contrary to the word of God, to the Covenant, & to their former resolutions: And there is no other way so harmlesse & Innocent as this, though suffering should follow thereupon.

2. By giving obedience unto this Act, they should be in hazard, not only of falling away unto a detestable neutrality & indifferency in the matters of God; but ere long, they should be in hazard to fall away in heart & affection, from the cause of Christ, & from the work of reformation sworne unto, and owned so much; for there is no other way now apparent, whereby the difference shall be keeped up, betuixt such as honestly minde the covenanted work of reformation: & the corrupt prelaticall, & malignant party, but this of refuseing to give obedience unto this Act. So that, as it is already too too apparent that some who had no scruple to hear these men, and withall thought to abide constant to the cause of God, were ere long found to be deceived; for piece & piece the edge of their Zeal was blunted, & their affection to the work of God cooled, & they at length were brought to condemne it: So dangerous a thing is it to suffer the standing difference to weare out of sight: So that let a Man once beginne to countenance those men, as lawfully called & authorized Ministers, & by this meanes, keep up no standing difference, he shall, ere he be aware, slide into their campe, & side with them in all things; Therefore it is best to keep up this distance & standing difference by with drawing.

3. By giving obedience unto this Act, they should quite undoe & betray their posterity: For though now the honest party be not in a capacity, to transmit the work of reformation unto their posterity, in such a manner as were to be wished, it being now defaced & overturned, by this course of defection, which is so violently carryed on; yet they may, & should do something for keeping fresh the memory of the good old cause, that it be not buryed quite in oblivion, & this must

be, by keeping up some footsteps of a standing controversy, for *Zions* interest, & the work of God against the common enemies thereof, the prelaticall & malignant faction: But now take this weak & inconsiderable appearing in the fields against these corruptions, away, what appearance of a standing controversie shall posterity see? Shall not they conclude that the day is lost, and the cause gone when they see that this generation hath fled the field or rather sold & betrayed the cause, by owning, countenancing & complying with the enemy, & that there is no standing testimony against corruptions, or nothing seen in the practices or carriage of their fathers, that may in the least signifie their dissatisfaction with these courses. Where as if there were but this much of a standing difference, betwixt the people of God, & the common enemies of *Zion*, to be seen, posterity would in some measure, be keeped from being deceived, & would see the interest of *Christ* not killed, nor buried quicke; but living though in a bleeding condition: & this would occasion their engadging for Christ & interessing themselves in the quarrell: And it is far better to see the cause of *Christ* owned, though by suffering & blood, then sold & betrayed by base flenching & complyin gwith persecuters.

4. There is not a more ready way to harden & encourage the enemie in their wicked & malicious way of opposing the work of God, then thus to countenance them in obedience to this act. This is a way to strengthen their hands in their wicked courses; for then, they encourage themselves in evill when they see how they are countenanced by all, & that there is no disrespect put upon them, nor dissatisfaction evidenced against their courses, then they conclude that they are approved of all, & this hardeneth them, so that they never once think of the evill of their wayes: Whereas were they disowned, notwithstanding of the act, it would cool their courage, & possibly occasion some reflecting thoughts upon their courses, sometime or other; And who knoweth what might follow? It is more then probable that the people of God, are not freed from seeking the conviction, repentance, & edification, even

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of these their malicious enemies: And it is certane they may not encourage them in their evil wayes, nor do any thing which may really tend to harden them in their wicked courses. And therefore if obedience to this act will in all probability have this effect, it ought to be forborne.

5. By giving obedience unto this act, they should stumble the truely tender in conscience, by encourageing them to do contrary to their light & conscience, after their example; when they are not clear to hear them, they are imboldened or stirred up thereunto, when they see others doing so, & thus they are ready to halt in the wayes of the *Lord*, & this is a grievous sin, to seek to destroy those for whom Christ died. But it will be objected. That hearing the word, is duty, & so, if any stumble thereat, it will be but a scandall taken, & not given. *Ans.* The question is not whether it be a duty to hear the word or not, but whether it be a duty to hear the word out of such mens mouths, & that in obedience to the act; or so as the act doth enjoyne, & if this be not a necessary duty, the objection falleth to the ground, for it is not at hearing of the word, that men do stumble, but at hearing of such men preach who are not lawfully called. This solution will be cleared by considering what is the Apostle's answere in matters of meat & drinke, *Rom.* 14: & 1 *Cor.* 8: & 10. He would have them forbeareing such or such meat, at such or such a time, when there were hazard of stumbling thereat, & for his part he resolved never to eat flesh rather then by eating thereof he should stumble any weak Christian, & yet it is an indispensable duty to eat meat, there is a command for it, & the command doth alwayes oblige though not *ad semper* to all times. So then though it be a commanded & necessary duty, to eat meat; yet it is no necessary & indispensable duty, to eat such or such a sort of meat, as fish or flesh, nor is it necessary to eat alwayes at such or such a time, but both may be forborn for the scandall & offence of the weak: So the parallel will run clearly, it is a duty to hear the Gospell preached; but it is not a necessary & indispensable duty to hear such or such a man alwayes; & so in this case, scandall may have place, as well as in the case of

meats; & *Paul's* arguments are of force here. And therefore Christians should be tender of those for whom Christ died, & be loath to occasion their stumbling, by doing that which is not a necessary & indispensable duty, as it is circumstantiated.

6. By yeelding obedience unto this act they should cast themselves into snares & temptations, & that because many of those intruders, if not all of them, do teach false doctrine, tending to seduce the hearers, crying up the lawfulnesse of prelacy, & venting bitter invectives against presbyterian government, inveighing against the covenant, & so teaching & incouraging people to follow them, in open perjury, & condemning the work of reformation, as being nothing else but treason & sedition, which were blasphemy: Beside some poynts of *Arminianisme* & *Popery*, which some of them are venting, now & then. Seing then there is such false Doctrine held forth, & taught with such boldnesse, & impudencie, can it be lawfull for simple people to attend such, when their souls are in such hazard to be seduced thereby, & when the Spirit of God sayeth *cease to hear the instruction that causeth to erre from the words of knowledge*? *Prov.* 19: 27. *Beware of false Prophets*) is a command that is of force now, as well as of old, *John* in his second Epistle v. 10: 11. sayeth *that if there come any unto you & bring not this Doctrine, receive him not unto your house neither bid him God speed, for he that biddeth him God speed is partaker of his eviles* it is sure then *John* would never advise people to goe constantly or ordinarily to hear such deceivers who bring not with them the Doctrine of *Christ*. He who would not have the lesse done would never consent unto the more. *Paul* writting to the *Romans Chap.* 16: v, 17, 18. sayeth. *Now I beseach you brethren Marke them which cause divisions & offences contrary to the Doctrine which yee have learned & avoid them, for they that are such serve not our Lord Iesus Christ, but their own belly & by good words & faire speaches deceive the hearts of the simple.* Here is a clear warrand for avoiding (& that will at least include a refuseing obedience to this Act) such as teach things contrary to the Doctrine which hath been already received, & Learned out of

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the word, & do thereby cause divisions & offences & have nothing before their eyes but their own belly, & not the glory of Christ. And how well this agreeth unto those men now spoken of, any who know them may judge. And therefore seing it is their designe & intended work to deceive the hearts of the simple, by their bold & confident assertions, & to cause them beleeve things contrary to the Doctrine which they have already learned & received, it must be a necessary duty for poor simple people to avoid such. So the Apostle writting to *Titus cap.* 1: 14. forbiddeth *to give head to jewish fables & commandements of men that turne from the truth*, & who are these who teach such things? See v. 10, 11. *unruly, vaine talkers, & deceivers, teaching things which they ought not, for filthy lucres sake.* It cannot then be lawfull to obey this act. So writing to the *Philippians cha.* 3: 2. He sayeth *beware of dogs, beware of evil workers beware of the concision* by whom the false teachers of these times are to be understood. Now he commandeth to *beware* of those, that is, shun them, forbear to hear them, follow them not: And againe v. 17: 18, 19. he sayeth *Brethren be followers together of me, & Marke them which walk so as ye have us for ensample, for many walk of whom I have told you often, & now tell you even weeping, that they are enemies to the crosse of Christ, whose end is destruction, whose God is their belly, who minde earthly things.* So he would have them following such as taught as he did, & walked as he walked, & not such as were enemies to the crosse of *Christ*: And certanely when *Paul* would have the *Ephesians cap.* 4: 14. *No more carryed about with every winde of Doctrine, by slight of men & cunning craftinesse, whereby they lie in waite to deceive* he would not have them following or attending the Ministerie of such, concerning whom the question is. So when he willeth the *collossians cap.* 2, *v.* 8. *to beware least any man spoile them through Philosophy, and vaine deceit, after the tradition of men after the rudiments of the world, and not after Christ*, he would not have people give obedience unto this Act, & to attend the Ministery of such who teach false Doctrine, By slight & cunning craftinese, whereby they lie in waite to deceive & seek to spoile people of the truth,

by their Philosophie (such as it is) & vaine deceit after the traditions of men & not after Christ & seek to beguile with enticeing words. So in his first Epistle to *Timothie cap. 4. v. 1, 2.* He sayeth *that in the later times some shall depart from the faith, giving head to seduceing spirits, speaking lies in Hypocrisie having their consciences seared with a hote yron.* It must then be hazardous & most dangerous to give head to such seduceing spirits, as speak lies, & have their consciences seared with an hote yron, as being the cause of departing from the faith; so that such as will guaird against departing from the faith would take heed whom they heare. So in his *second Epistle* to *Timothie cap. 3, v. 5.* he speaketh of some whom he would have all honest people turne away from, & these he describeth first from their corrupt conversation, *v. 2: 3, 4, 5.* thus *men shall be lovers of their own selves, covetous boasters, proud, blasphemers, disobedient to parents, unthankfull, unholy, without naturall affection, false accusers, incontinent, fierce, despisers of these that are good, treatours, heigh minded, heady, lovers of pleasures more then lovers of God* much time needs not be spent in shewing how fitly all these agree unto the persons now spoken of, such as know them can best judge. But then secondly he describeth them from their Doctrine, *v, 6, 8, 13. They creep into houses and lead captive silly women; as Iannes and Iambres withstood Moses, so do these also resist the truth, men of corrupt mindes, reprobat concerning the faith, evil men and seducers* all which particulars without contradiction, agree to these now spoken of: And therefore the Apostle's command standeth in force *from such turne away.* By all these passages, It is clear that the Ministerie of false & corrupt teachers should not be attended.

7. If it were lawfull to hear these in obedience to this *Act*, it would be also lawfull, upon an Act, to attend the Ministerie of *Anabaptists*, *Antinomians*, *Socinians*, *Arminians*, or *Iesuits*: And if it would not be lawfull to do this, no more can it be lawfull to attend the Ministerie of these in question, who seek to pervert the right wayes of the Lord, & labour to subvert the simple people, & to turne them away from the truth.

8. Such

8. Such as their Doctrine is such are the prayers, not only stuffed with errour, but larded with blasphemy, as might easilie be shown, were it fit here to mention what their expressions are: As their Doctrine tendeth to reproach the work of reformation & the power of godlinesse, so do their publick prayers, as such as hear them can showe, They pray for a blessing on the prelats, under the name of *Reverend.*, & *right Reverend fathers*, & on their wayes & courses (which God will curse & blaste) not to mention their unsound & parasitick expressions concerning the King's supremacy calling him *head of the Church* &c. Now seing tender consciences can not joyn with them in those prayers, how can they attend their Ministerie? Are not all present bound to joyn in prayer with them who should be the mouth of all the congregation unto God & pray with them? & when out of the corruption of their heart they ordinarily utter expressions savouring of blasphemy & errour; can godly tender consciences goe alongs with them, ? And seing they cannot, how can they be bound to attend their Ministerie? There are snares in *Prayer* no lesse then in *preaching*. Yea particular persons concurre more with the minister in prayer then in preaching; & therefore they may more saiflie hear errour preached then joyne in an erroneous prayer, for in the one they are purely passive, But in the other they are some way active: & therefore unquestionably there is sin in constant attending the Ministerie of such, with whom if they concurre in prayer, they must sinne.

9. Yeelding obedience unto this Act were upon the matter a consenting unto the great incroachment made upon the privileges of the Church. The Church hath this power & privilege from the Lord, to make choise of her own officers, as the frequent examples thereof in the dayes of the Apostles do cleare, & this would be the greater sin now after the Lord hath graciously delivered that Church from that yoke, & put her in possession of her power & privileges; after that the power of patrons, which was a piece of cruell bondage & oppression unto the Church, is removed to consent againe unto wreething of that yoke about her neck, were no small transgression: And it is clear that the attending of the Ministerie of such, must be

an accepting of them as Ministers lawfully called notwithstanding that they want the election of the people, & have nothing for their warrand, but a presentation from the patron: And so this would be nothing else upon the matter but a consenting unto this incroachment; And a joyning with such as wronge & spoile the Church: To say that people in that case should protest against these incroachments, & so exonere themselves, were to put them, to run their heads against a wall: & next their refuseing thus to obey the act, is, upon the matter a protestation, & if after their protestation they were bound to hear them & attend their Ministerie, they should undoe their own protestation, by their after carriage; for by their protestation they declare, that they cannot look upon them as Ministers having a lawfull call, according to the lawes of Christ, & by their after carriage, in constant attending of their Ministerie, they should declare to all, that they owne them as lawfully called Ministers; And thus their practice should belie their protestation. Nor will it be of any force to say that their fore-fathers did submit unto the Ministerie of such as had no other call but the patron's presentation: For there is a vaste difference to be put betwixt a time wherein the Church is advanceing in a course of reformation; & a time wherein she is declineing & slideing back from that degree of reformation unto which she had already attained: In a time wherein the Church is but coming out of darkneſſe, & the day is but begining to break up, many things may then be comported with & tolerated, which may not be submitted unto, after the Church hath gotten all these abuses reformed. Every beleever, & every Church is bound to stand fast in that which they have attained unto, & not to cede in a hoof: So that Christians living in a time wherein the Church is but begining to wreaſle up, from under the heap of errour & corruption, may be allowed to do many things, which must not be done, when the noontide of the day is come. In the time of the reformation begun by *Luther* & others, many things might have been comported with in the Church, (reformation being a graduall motion that hath but small beginings & risings) which now since the reformation hath

hath been carryed on, through the blessing of God, to that degree it was advanced to, cannot be allowed: When God hath wonderfully by his mighty power & out-streached arme, brought a Church to a great length in reformation, it will be the duty of that Church & of the members thereof to adhere to that degree unto which they have attained, with all perseverence. It will be lawfull for the Church which is but coming up the hill to stand at such a step untill they gaine another; when yet it will not be lawfull for the same Church, to goe backward after they have advanced. The truth once bought should never be sold: so then the consequence is null, Their fore-fathers stumbled not, nor did scruple, at the doing of such or such things. therefore these in this generation, who have advanced, through the blessing of God, unto a further degree of reformation, should not scruple either: It is a poor consequence to say, The posterity may return backward, because their fore fathers could not advance further: Much more may be seen when the sun is up then in the twilight. Therefore the scrupleing of honest people now, doth no way condemne their fore-fathers: But on the contrary, the stedfastnesse of their fore-fathers, in standing to the degree, to which they had reached, & their endeavouring to advance, will condemne this generation for backsliding. In their dayes those abuses & corruptions were not remedied, the Church was not then freed of that yoke of oppression. And furder their after consent unto such Ministers made up this defect; But those in this generation are not at liberty to give or grant their after consent, because they are engadged to stand to the work of reformation, & to owne it in all its parts, whereof this is one, viz. the putting away of the usurpation of patrons, & the putting the Church in possession of her own privileges, & this they must owne upon any hazard, if they would not betray their trust. The right way of Election was not setled by law in their fore-fathers dayes, & so they were groaning under that oppression, & constrained to make the best of that ill bargan they could: But it were utterly intolerable for those in this generation to consent unto the wreething of that yoke, which hath been once loosed

from their Lawes, about their necks againe. Nor will it be of any force to say, within few ages, yea or yeers, such a thing as this will never be scrupled at: for if defection be carried on, with as great vehemency, as it hath been these few yeers by past, it is like, grosse popery shall not be scrupled at ere long, except by such as now do scruple to countenance these intruders. And what ever the following posterity may be allowed to do, to prevent worse, it will plead nothing for these in his generation; because it is their part to stand in the gap & leave their dead bodyes there, rather then give way unto any degree of defection. which may cause posterity to curse them. More is expected of a standing army, then of straggling souldeours; these may make some shift after the army is broken, to get as good quarters, as they may, when it were baseneſſe & utterly unlawfull for any to do so; while the army is unbroken. Small things should be stood at, in the time of the begining of an apostasie: when the watters of corruption are begining to break in, the least hole should be stopped, & watched over.

10. By giving obedience unto this act, they should, upon the matter, iustifie & approve of, & consent unto the violent & cruell thrusting out of these whom God had setled in those places, & whose labours he had blessed, & thus they should consent unto this terrible act for persecution of the godly & faithfull Ministers of the Lord: And therefore they could not do it in conscience. The antecedent is cleared thus. Because to imbrace & encourage such, were to approve of the ground, upon which they enter, & that is, their compliance with the sinfull defection, & their submission & obedience unto the sinfull injunctions of the time: And what were that else, but a condemning of the honest Ministers who could not in conscience so comply, nor submit, & an approving of the sad sentence gone out against them. He who willingly submitteth unto an usurper, & accepteth of him as a lawfull superiour, by yeelding all active obedience, doth thereby declare that the right of the usurper, is good, & better then his

right

right who is outed by the usurper, or he doth what in him lyeth to make it so.

11. It may be questioned, as to some of them, whether they be Ministers at all or not; for as they have not the qualifications required by the Apostle, neither as to life, nor abilities, being scandalous in their life & conversation, to the view of all onlookers; & as to doctrine, being either corrupt, or utterly insufficient, having none of the qualifications requisite: So nor have they any thing like a solemne ordination, or setting apart for that office, having no imposition of hands of the Presbytery, with fasting & prayer, according to the order of the Gospell; but the sole warrand & mission of the prelat: & therefore it cannot be lawfull to countenance such, & to look upon them as lawfull Ministers. It is true, privat Christians may not set themselves up into the chaire, & judge of the enduements & qualifications of Ministers, & what nulleth their office & what not; yet every private Christian, hath the use of the judgment of discretion, and that way may judge whether such an one, appear qualified according to the rule of the word, or not. It is certaine there may be times wherin such men may be set up into that office as have few or none of all those qualifications required in the word: Such corruption may overgrow the Church, (as by past experience hath abundantly evinced in the times of popery) as that the most unfit men imaginable shall be installed in the office of the Ministery: Yea & now likewise some such might be instanced, if it were fit. Now albeit it be hard for privat persons to take upon them to unminister such as are *Coram hominibus* (though not *Coram Deo*, in God's account wanting these qualifications which his word requireth) installed in the office; yet when the standing, clear, & undenyable lawes are rejected, & such put in place, who would not once be evened thereunto if the qualifications which the word requireth, were once eyed, They cannot be condemned for withdrawing from such, & for refuseing to attend their Ministery, or to countenance & encourage them, as lawfull Ministers of Christ ought to be countenanced & encouraged. It is likewise certane that privat Christians

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may know whether such an one be ordained according to the primitive order, or only hath the prelats hands laid on him, or no imposition of hands at all, & accordingly may carry themselves towards such.

12. It is certaine there is much corruption in the way of their entry, if not a whole masse of corruption, all circumstances being considered: And so the yeelding obedience unto this Act, now when these corruptions are well known, should be an approving of these corruptions, whereas they should partake of no mans sin, but keep themselves pure, & beare testimony against these corruptions so far as they can; & there is no other way for them now to do it, but by refuseing to yeeld obedience unto this Act: There is no acceesse for complaints, & such as would but petition, should in so far accuse themselves.

13. To yeeld obedience to this Act, & attend the ministry of such, when there are others to be heard, either in publick or privat, were to wrong their owne souls to marre & hinder their own edification & spirituall profiteing, by runing to cisterns without watter: what blessing can be expected upon the preaching of such, as have palpably perjured themselves, in owneing the prelats; as have made defection from the truth, and are prosecuteing a course of defection, & making themselves captaines to lead the people back into *Egypt*: as stuff their preachings with railing, against the work of God & power of godlinesse: as encourage prophanity & wickednesse & are themselves paterns of all prophanity & debaucheries? can it be expected that *God* will blesse such, as are thus qualified for the Service of *Satan*, & are driveing on his designe? Can it be expected that *God* will countenance such as run unsent, & are thieves climbing up at the windowes, & are not entering in by the door, who feed themselves, & not the flocke, who strengthen not the deseased nor heale that which was sick, nor binde up that which was broken, nor bring againe that which is driven away, nor seek that which is lost: But with force & cruelty rule over them? Will God blesse such, whom, he solemnely protesteth by his oath, that he is against? *Ezek.* 34: 10. And seing a blessing cannot be expected upon their labours but rather a curse,

curse, as dayly experience maketh good, when it is seen that even such as had something like parts before, are now totally blasted of God; their right eye almost already put out, and their right arme dryed up: how can any think of attending their ministery: When in stead of any work of conversion or conviction among people, there is nothing seen, but a fearfull hardening in prophanity, so that such as seemed to have something like Religion before, now through hearing of them ordinarily, are turned altogether loose & prophane, Is there not a seen curse upon them & their labours? Who then can adventure to obey this Act? Hath it not been seen how signally God hath testified his displeasure against some who for fear or some what else, over the belly of their light, would obey the Act; & upon the other hand how he hath signally approved such who have resolved to suffer rather then sin upon that account? Instances of both might be given were it pertinent: Shall it then be saife for any to seek the law at their mouth, seing it is so much to be questioned if they be the messingers of the Lord of hosts; & so clear, that they are departed out of the way and have caused many to stumble at the law & have corrupted the Covenant of *Levi*, & are now made so contemptible & base before all the people? Yea where there is no such hazard of being misled, it is lawfull for people to goe & hear such Ministers as they posite most by; as worthy doct *Voetius* clearethpol. Eccles. pag. 72. from these grounds. 1. People should choose the best & most edifying gifts. 2. Scripture favoureth this choosing *Luk.* 8: 18. 1 *Thes.* 5: 21. And he furder there answereth three or foure objections: much more will it be lawfull for people to hear other Ministers in the case now under consideration.

14. Christ alloweth his people & followers to refuse to hear such unsent & false teachers, as it is enjoyned in the Act. *Ioh:* 10. where he giveth it as a mark & character of one of his sheep, that he will not follow a stranger but flee from him, for his people know not the voice of a stranger. v. 5, & who this stranger is, the former verses shew, where he is called a *Thief & A robber* v. 1. And that because he entereth not in by the door, but climbeth up some other way, & wanteth these qualifications of a good shep-

shepherd mentioned. v. 3, 4. And therefore it cannot be sinfull or unlawfull to refuse obedience unto that Act seing such as are now commanded by the Act to be heard, are, as to their entry, intruders, & in their doctrine erroneous, & as to the discharge of their trust, mere hirelings & therefore must not be hearkened unto, but fled from. *Calvin* on the place sayeth *this is the spirit of discretion, by which his chosen ones doe discerne the truth from mens fictions -- and their obedience herein is commended not only in that they pleasantly meet together, when they hear the voice of a true shepherd but also in that they will not hearken unto the voice of a stranger.* It is one of *Mr Hutcheson's* notes upon the place that *The true sheep, are so far enabled to discerne false teachers & corrupt doctrine, as they do approve of neither; but will flee from them, that they be not infected nor ensnared with their allurements*; For a stranger they will not follow *when he calls them to follow him in a wrong way* but will flee from him, (*as one they will have nothing to do with all*) *& that because they* know not the voice of strangers, *that is, they do not approve them, though they have a knowledge of discerning, whereby they know them, & their Doctrine to be naught. This is asserted of Christ's sheep, not because they cannot at all erre, nor yet only because it is their duty thus to do* (*for that is common to them with reprobats*) *but because, when any do either imbrace false Doctrine, or fall in liking with corrupt men, who run unsent, It is no signe of their grace, but of their corruption so to do.*

It will be *objected.* 1. That *Christ* commandeth to hear the *scribes* & the *Pharisees* who did sit in *Moses* his chaire *Mat.* 23. And these of whom now the question is, are not worse then the *scribes* & *Pharisees* were. And therefore it cannot be lawfull to refuse obedience unto this Act. *Ans.* For solution of this objection, which seemeth to be the maine one. These things would be considered. 1. That these *scribes* & *Pharisees* were as naughty men as then lived upon the face of the earth, & were still enemies unto *Christ*, & were false teachers, their Doctrine was leavened with soure & dangerous tenents among which this was a chief. That *Christ* was not the *Messias* & upon this account *Christ* desireth his disciples to beware of the leaven of the

Pha-

pharisees *Mat.* 16:6. 2. They were men that had no lawfull call into that place which they did assume to themselves which appeareth from these particulars. 1. *Christ* calleth them thieves & Robbers & strangers *Iohn.* 10:1,5,8. & that not merely because of their false Doctrine, nor yet merely because of their carnal way of entry, as hirelings seeking gaine; but also because of their usurping the place, & office, & entering thereinto without a call from God; for the ground & reason why *Christ* calleth & proveth them to be thieves & robbers is because *they entered not by the door but climbed up some other way, & the porter did not open unto them, v.3. & they came before him*, that is, without his warrand & commission: They took not the right way of entry, they came not in at the right door, & with God's approbation. 2. *Mat.* 15: 13. *Christ* calleth them *plants which his heavenly father had never planted* & there he is speaking of themselves (& not of their Doctrine only) who offended at Christ's Doctrine & it was them (& not their Doctrine alone) that Christ would have his disciples letting alone *let them alone* (sayes he) *For they be blinde leaders of the blinde* & this will suite the scope very well; for his disciples had laid some weight on this that they were mē in office & therefore the stumbling & offending of them seemed to be some great businesse. But Christ replyeth That albeit they had been planted or had planted themselves in that office & charge; Yet they were such plants as his heavenly father had never planted, & therefore they were the lesse to be regairded. *Gualter* on the place sayeth *that it is clear out of histore, that* God *did never institute the order of the* scribes, *which then was*; *Far lesse the* Pharisees & sadduces; *But they had their rise from that greek, Or heathenish school which* Jason *whom* Seleucus *made high priest, did institute in Ierusalem contrary to the law*; *and that the* Pharisees *did spring from the Stoicks* & the Sadduces *from the* Epicures? And citeth in the margine 1 *Mach* 1. and 2 Mach 4. So ibid: He giveth the sense of that word *let them alone*, *discedite ab iis*, *goe away from them* 3. The place which they had assumed did properly & of right belong unto the Priests & Levits as *Pareus* hinteth on the place yet these because of their learning & pride thinking themselves only worthy

worthy to be in office, took upon them that place; without any further call; which is the more likely; considering. 4. That those times were times of confusion and disorder, so that (as *Grotius* observeth) there was no care had about this businesse, but every man who pleased was free to take upon him to instruct & teach the people & this is confirmed by that passage, Act. 13: 15. *And after the reading of the law & the prophets, the rulers of the Synagogue sent unto them saying, ye men and brethren if ye have any word of exhortation for the people, say on.* Consid. 3. That though the words, v. 2. Be rendered *They sit in Moses seat* they may be as well rendered [*They have sett themselves down in Moses seat*] *Parens* on the place doth fully cleare this where he sayeth [*In my judgment* ἐκάθισαν *is better rendered, with the ancint latine edition* sederunt, they did sit *then as now commonly* sedent, they do sit *for that phrase of* sitting in *Moses* seat *Signifieth the office of teaching publickly the Doctrine & law of Moses: the verb in the aoriſt taketh not from them, but giveth unto them the present ordinary office of teaching, but withall it importeth that this sect had by hook & crook usurped this office & place which at the first was given by God unto the Priests & Levits. They have sitten, that is, they have sett themselves down in that seat of Moses which they now possesse for the verb* καθίζω *doth signifie not only neutraly* to sit *but also Actively* to cause to sit, to place in a seat, thus he. And *Scapula* indeed rendereth the verb Actively *to cause or command to sit* & citeth authors for it: so doth *Pasor* say, that properly it signifieth to *place in a seat*, or *to cause one sit.* 4. There is no word of a command here given to his disciples (to whom with the multitude he is here speaking) to attend the ministry of the *Scribes & Pharisees*, for if he had commanded them to do so, it is like the disciples would have done so in obedience to Christ's command; but the scripture speaketh nothing of this: And then they should have left Christ & followed the *Pharisees* which is not very probable, & *Christ* himself would have taught them to do so, by his owne example, for he came to fulfill all righteousnesse. But there is no word of this either. 5. By the contrare *Christ* is so far from commanding his disciples & others to follow their Ministery, that he disswadeth

deth them there from, not only elſe where, calling them *blinde Leaders of the blinde*, & ſuch as ſhould be *let alone* & fled from as impoſtors, *Mat.* 15:13,14. & ſaying, *John.* 10:4, 5. that *the sheep know the voyce of a lawfull shepherd, but not the voice of a ſtranger.* Yea *they will not follow a ſtranger but will flee from him* & this is meaned of the *Phariſees* as any may ſee who will look back to the end of the *Chapt.* 9. but alſo in this ſame *Chapt* throughout, ſhewing at great length how naughty & perverſe men they were, denunceing many a heavy woe & curſe upon them, & at length he calleth them *a generation of vipers & ſerpents* who could *not eſcape the damnation of hell, v.*33. all which is but ſmall incouragement to his diſciples & hearers to follow them, or attend their Miniſtery. And it is obſervable how fitly many of the particulars for which here Chriſt denunceth a woe unto theſe *phariſees*, do agree unto the perſons concerning the hearing of whom, the queſtion is: As. 1. *They shut up the Kingdom of heaven againſt men & neither will goe in themſelves, nor ſuffer ſuch as are entering, to goe in.* 2. They are at great paines to bring poor ſimple people over to their opinion, & make them proſelyts, & when they are made ſuch, they make them the Children of hell with themſelves. 3. As the *ſcribes* & *Phariſees* taught people ſhifts to evade the bonds of oaths telling them that it was nothing to ſweare by the alter, or by the temple: ſo do theſe excell in that art of teaching perjury; & looſeing the knots of covenants & oaths, as is too well know. 4. They are much taken up with punctilioes of formalities, & in cauſing people attend all their nodes, & deſires; But as for the weightier matters of the law, *judgment mercy & faith* they caſte theſe behinde their back. 5. They declare themſelves the children of them who killed the prophets, & are faſt filling up the meaſure of their fathers. But indeed. 6. They are behinde the *Phariſees* in cleanſing the out ſide of the cup & platter, & in appearing like whited tombes, for they have no ſhew of piety, & therefore are ſo much the more to be ſhunned &, may certanely, unleſſe they repent, expect all the woes that here are denunced upon the *ſcribes* & *Phariſees.* 6. It would be conſidered, for furder confirmation of

the last particular. That the maine thing which *Christ* is pressing upon his hearers here, is that they would beware to follow the practices of these *pharisees*, for all that heigh place which they took upon themselvs in the Church, & on the by, as it were, he speaketh anent their receiveing of their true doctrine, by way of concession, or of their doing & observing, whatsoever they delivered as sitting in *Moses's* seat, whereof they were presently in possession, by their usurpation, & while there were no other ordinarily occupying that seat at that time. So that these things being considered it will appear, that this place maketh no way for the attending the Ministery of such men, there being no command here, to heare the *Pharisees* at all, let be to heare them alwayes & constantly, only a command there is, to do & observe what they, from *Moses* law, bad do & observe, which may import a hearing of them expounding the law of *Moses* while there were no other ordinary teachers of the law: But if this place prove not (which it will never do) that the Ministery of these scribes was to be constantly attended, it will speak nothing against these who could not obey that act.

It will be objected in the next place. That refuseing to give obedience to this act, will be separation from the Church & ordinances, which are not, nor yet can be corrupted by the corruption of administrators. *Ans.* For clearing of this, let these things be considered. 1. Corruptions in administrators are of two sorts: some personall, & these alone, it is true, cannot defile the ordinances in their hands, & make them no ordinances: others are, to speak so, Ministeriall, or such as affect the office. And these againe are either of smaller moment & lesse dangerous, or else such as cut the very throat of the office & make one no officer: & without all question those corruptions that destroy the office, in it's essentials, & make the man no Minister, do corrupt the ordinances in his hands: he who is no minister cannot baptize, nor administrat the sacrament of the Lord's supper, nor preach with authority, as a Minister, & he can do no Ministeriall act: & it is past questioning, that such may be shunned without all hazard of separation, & of this

this sort it may be, some of those now spoken of, are. 2. When personall faults are very grosse, & palpable, open, & avowed such may be shunned without any hazard of separation, because that man's being an officer, *coram deo*, is much to be questioned & there is great probability that *ipso facto*, in the court of God, he hath forfaulted the same, though such should be the corruption in a Church, that notwithstand of all this, he may be maintained. But. 3. *separation* is one thing & not-hearing such or such a man is a far other thing; there may be many just grounds of exception against such or such a particular person why he should not be countenanced as a Minister, or why people may refuse to countenance him; without any hazard of separation or joyneing with separatists in their principles. Every not-hearing is not separation: a man may many a time, be absent from hearing, & yet cannot be justly charged with separation: Yea separation is one thing, & refuseing to attend the Ministerie of such or such a man, is another thing: A man may never hear such or such a man preach; & yet be no separatist from the Church, wherein he liveth; for he may joyne with the ordinances in another congregation; & so testifie that he hath no prejudice against the Ministerie, nor against the ordinances of *Christ*, nor against the Church; but only a prejudice against such or such a man in particular. 4. So then, so long as the refusers to obey that Act do not cast at the ordinances but are willing to run many miles to enjoy them though they should be inhumanely used, by the way, by souldiers, led forth of purpose For that end; Nor cast at the Church as no Church. (though they sadly feare that God shall be provoked by this dreadfull defection, which is carryed on by these men & their favourers, to give her a bill of divorce) Nor at the ministerie, for they love these who stand by their principles, dearly; & are most willing to hear them either in publick or in privat, what ever inconvenience or suffering may follow thereupon. 5. It is granted by all such as write against separatists, that separation from a Church is lawfull, when the case so falleth out that union cannot be keeped up with her, with out sin; much more will a forbearing to hant

the ordinances in such a particular parish, & to attend the Ministerie of such a particular person, be iustified, as no sinfull separation when the contrary cannot be done without sin, & so it is in this case, as hath been showne above. Reverend & Famous *Doct. Voetius Polit. Eccles. Pag.* 68. *Quæst.* 17. Granteth that upon some such occasion one may obstean from explicite communion with a particular Church; for these reasons. 1. Such communion is not absolutly Necessary *necessitate Medii*, nor yet *necessitate præcepti*, when the Christian shall have more peace of conscience & free exercise of Christian duties elsewhere. 2. such persons may keep communion with other purer Churches in other places. And Famous *Mr Rutherfurd* in his *due right of presbyteries Pag.* 253. & *Pag.* 254. Where he is laying down some considerations, about the degrees of separation, sheweth us, That there is *a separation negative*, or *a non-union*, as That in *Augustin's* time, when the faithfull did separate from the *Donatists*, which is lawfull, & laudable: now if there be a separation here, it can only be a negative separation, & not a positive separation. He sheweth us againe *ibid.* That there is a separation from the Church in the most & worst part, & a separation from the least & best part, & that these who separate from the worst & greatest part, do notwithstanding remaine a part of, & a part in the visible Church, because they do not separate from the Church according to the least & best part thereof; as the godly in *England* who refused the *popish ceremonies*, & *Antichristian Bishops*. Hence it will follow that though now people should withdraw from communion with the greatest part of the Church which is now corrupted they cannot be accounted separatists; because they hold still communion with the better, though lesser part. Moreover he sayeth *Pag.* 254: 255. That there may be causes of *non-union* with a Church, which are not sufficient causes of a separation, as, before the jewes came to blaspheme openly, (as they did *Act* 13: 44, 45, 46, & 18. 16.) there was no just cause why any should have joyned to the Church of the jewes, seing there was a cleaner Church to which converts might joyne themselves Act 2: 40, 41, 42. And whether or not the reasons for-

formerly laid down, will be a just cause of *non union* (which is all we plead for) let the reader judge. Lastly he tels us *ibid Pag.* 255. *When the greatest part of a Church maketh defection from the truth, the lesser part remaineing sound, the greatest part is the Church of separatists, though the manyest & greatest part, in the Actuall exercise of discipline be the Church; yet in the case of right discipline, the best though fewest, is the Church For truth is like life, that retireth from the manyest members unto the heart, & there remaineth in its fountaine, in case of dangere.* So that it is the *Major* part which hath made defection, that is to be accounted separatists, & not such as stand to their principles, though they cannot complye, or joyne with the corrupt majoritie. Hence it is aboundantly clear, that such as refused to obey this Act cannot be accused as guilty of sinfull separation.

It will be *objected thirdly.* That by refuseing to obey that Act they declare they look not on these men as Ministers, & if they account them no Ministers, they must say that their baptizeing is no baptizeing: & also that the Church of *Scotland* now is no organicall Church: And that such do well who refuse to bring their Children unto them to be baptized. *Ans.* 1. Though it were affirmed positively (as it is not) that all of these men were no Ministers; Yet it would not follow that the Church of *Scotland* were no organicall Church; because all these ministers, who are now violently restrained from exerceing their Ministeriall function, are Ministers & officers of the Church of *Scotland* though bound up from exerceing their office: for as no deed of a Magistrat can loose a Minister's relation, (so long as his life is in him) unto the Church universall; so no deed of the Magistrats can loose a Ministers relation to the nationall Church whereof he is a member, so long as he remaineth *cives regni* & is not banished out of that Kingdome. Yea reverend *Apollonius* in his *jus Majestatis circa sacra. Par.* 1. *Pag.* 331. thinketh that when a Minister is wrongously put from his charge, by a Magistrat, he remaineth still a Minister of that Church from which he is banished, *jure divino*; Because of his call; & hath a right to exerce all his Church power there; as a wife ra-

vished from her husband remaineth still his wife, because of the marriage covenant which is inviolable; & therefore all these Ministers who are yet within the Kingdom are reall officers of the Church of *Scotland* & full & compleat officers as to the power; only they are violently restrained from the actuall exercise of that power. And therefore the *Church* of *Scotland* is still an organicall Church, as a man is an organicall body when bound hand & foot so as he can neither work nor walk. But. 2. Whatever may be thought of some of these men, (whose being reall officers in the Church of God (as was said) may much be questioned) & what sad consequences may follow upon the nulling of their office, let these see to it who either send such forth, or imploy them. Yet as to all of them, this forbearing to yeeld obedience unto this Act, will not ground the consequence alledged: For there is a difference betuixt the not owneing & dis-countenanceing of a man as no Minister at all, or no Minister of the Church universall: And dis-owneing, or dis-countenanceing him as not being their minister in particular, or as pastor of such a particular flock. It is certane, a man may be a Minister of the Church universall & yet not the Minister of such or such a particular place. It is certane, a man's relation unto such or such a particular flock may be Changed by transportation, when his relation unto the Church universall abideth: And so it is certane that a denying of one to be a Minister of such or such a particular flock will not, by any good consequence, be a denying of him to be a Minister at all: Many things may loose a Minister's relation to such or such a particular congregation, which will not a null his relation unto the Church universall: And when his relation to such a particular flock is loosed, that particular flock is loosed from being a flock owneing him as their Minister, for *relata se mutuo ponunt et tollunt*. And when such or such particular persons, refuse to owne such a man as their pastor in particular, it cannot be inferred that therefore they deny him to be a Minister at all; Unless this consequence were good. He is a Minister in generall to the Church universall *Ergo* he is a Minister in particular

ticular to such a particular flock: It is ill argueing a *genere ad speciem, or a specie ad individuum affirmative*. So then there can no such thing be concluded from their practice who refuse to obey that act. As for their refuseing to bring their children unto such to be baptized; judicious & learned *Voetius* in his *polit Eccles. pag.* 640. doth approve of it upon these grounds because no necessity compelleth them to it, & they may waite untill they have the occasion of a better Minister either in their own paroch, or in another; for if the best gifts be to be coveted, 1 *Cor.* 12: 31. why should not the best Ministers be preferred? & why should not Christians show by their deeds that their delight is in the saints, *Psalm.* 16. & that they honoure such as feare the Lord & contemne a vile person, *Ps.* 15: So *Pag.* 638. *quæst.* 8. he sayeth the same for these reasons. They should not partake of other mens sin, 1 *Cor.* 5: 9, 11. *Ephes.* 5: 11. 2. They should not strengthen the hands of the wicked & make sad the godly. 3. The authority of such Ministers should not be strengthened, &c. See further, *Pag.* 637: 9. 5.

Lastly, it may he some will *objecte* that passage *Phil.* 1: 18. *what then? Notwithstanding every way, whether in pretence or in truth, Christ is preached, & I therein do rejoyce, yea, & will rejoyce*: And hence gather. That seeing the Apostle *Paul*, was glade that the gospell was preached whatever the men were who did preach it; all should now be so far from refuseing to hear the gospell preached, because of some prejudices which they may have at the men who are imployed in that work; that they should be glade & rejoyce, that there are any who will preach truth; And should rather encourage then discourage such. *Ans.* 1. These of whom the Apostle there speaketh, were not false teachers, or such as did pervert the right wayes of the Lord; But were, it seemeth, orthodox in their Doctrine; only they were prompted to it, by an evil spirit of envy & contention, that they might some way or other, (unknown to us who (as *Calvin* sayeth on the place) are ignorant of the circumstances of the time which would cleare us) increase *Paul's* trouble & affliction: And therefore, there is a

difference betuixt them, & these of whom our present disput is, who, as was showne above, are perverting the right wayes of the Lord. 2. The Apostle speaketh nothing of hearing, or not hearing of them, only he sayes that these ambitious, & malicious preachers, did misse their mark; For whereas they thought to make his heart sad, & so adde affliction unto the afflicted; by the contrarie, he would rejoyce, that, whatever their intention was, God was useing them as instruments, for carrying on his work. 3. In the best of times there may be some such naughty Ministers, as mainely designe, by their preaching, some hurt to the eminent & worthie servants of Christ (Famous *Calvin* found this true in his own experience as he sayeth on the place) and yet may carry themselves outwardly so faire as that great and publick scandals cannot legally be fastened upon them, & it may be that these of whom *Paul* speaketh here, were such; And if so, there is, as was showne above, a vaste difference betuixt them, & these concerning whom the question now is. 4. Or be it so, that they were most vitious & outwardly loose & prophane, Yea & persecuters, there is nothing here warranding a constant or ordinary hearing of them, or an owneing of them as lawfull Ministers of Christ: all that is here, is a rejoyceing that the gospell was spreading, though Sathan & Sathan's instruments were imployed therein far against their intentions. There is nothing which can import *Paul's* approveing of such, as lawfull Ministers; for as judicious *Calvin* sayeth on the place *Though he did rejoyce at the gospels advanceing: Yet if it had been in his power, he would never have ordained such to be Ministers of the Gospell.* So, though the godly now would rejoyce if they saw the Kingdome of Christ prospering, by the mighty power of God, carrying on the same, far contray to the intentions & designes of such as now call themselves ministers of the Gospell (which, as it doth not sensibly appeare unto them so it altereth the case far) yet it will not follow that therefore they are bound to owne such, as lawfull Ministers of the Gospell, for as *Calvin* sayeth on the place *we must rejoyce when God bringeth any good to passe, by wicked instruments, & yet therefore such are not to be put into the Ministerie, nor to be accounted lawfull*

full Miniſters of Chriſt: So that this place can prove nothing, but that Chriſtians should rejoyce when they ſee the goſpell promoveing in the hands of wicked inſtruments contrary to their intention & purpoſe, through the mighty power of God outshooting the devil (as we ſay) in his bow: And not that they should owne ſuch as lawfull Miniſters of the goſpell, & conſtantly attend their miniſterie when they may profite more another way, & when their countenanceing theſe men ſo, shall harden their hearts in their evill wayes, shall ſtumble the truely godly, shall wrong their own ſouls, & dishonour God. Rejoyceing at the goſpel's proſpering is one thing: And countenanceing, encourageing, receiveing & approving of every one who giveth out himſelf for a Miniſter thereof, be he otherwiſe never ſo vitious & inſufficient, is a far other thing; And the one will no way inferre the other; as any, with half an eye, may ſee: Therefore whatever theſe preachers were, whether ſuch as ſought praiſe of men, preaching out of envy that *Paul* might not get all the glory, and with all indirectly accuſeing *Paul* for rashneſſe & imprudence, & as juſtly ſuffering upon that account, to the reproach of the goſpell & ſcandall of the weak, as *Aretius* on the place thinketh: or ſuch as deſired to procure his death, That *Nero*, through their preaching, hearing of the generall diſperſeing of the doctrine taught by him, might be thereby enraged to take away his life whom he had now in bonds; as the *English* annotators think: Or both: there is nothing here that can with any shew of probability plead for hearing of, & owneing as Miniſters lawfully called, ſuch as are ſpoken of in this debate.

SECTION XVI.

It is lawfull for ſuch Miniſters as are baniſhed from their flocks to preach, wherever they be, either in publick, or private.

WHen thus the honeſt Miniſters, whoſe labours God had ſingularly bleſſed among the people, are thruſt from them by force, & inſufficient ſcandalous & naughty men, are thruſt in upon them, ſore againſt their will, their trouble & tryall, is made to grow dayly, for now their meeting in any quiet place to hear any honeſt man, preach the goſpell of Chriſt, is called a conventicle & diligent ſearch is made after ſuch, to the end, that both they & the Miniſter whom they heare, may be apprehended & punished, according to the pleaſure of theſe perſecuters: And thus the honeſt & Zealous ſervants of Chriſt, are either put from making mention of the name of the Lord at all, whether in publick or in private: Or brought into great trouble & hazard thereby. Is it not a very ſad & aſtonishing thing, that when whole countrey ſides, are almoſt laid waſte, people wandering from place to place ſeeking the word of the Lord, & Thouſands are perishing for want of knowledge, & multitudes deluded with falſe teachers; ſuch Miniſters as were driven from their own flockes might not lay out themſelves for the good of perishing ſouls & do what they could for inſtructing, ſtrengthening, & comforting of the poor afflicted & perſecuted people of God? May not this be matter of admiration, that any upon this account ſhould be put to ſuffer? And certanely none with any ſhew of reaſon, will condemne thoſe Miniſters if they take notice of theſe few particulars following.

1. Though they were banished by the ſentence of a civill judge, Yet they remained ſtill Miniſters; no ſuch ſentence of a civil Magiſtrat can depoſe a Miniſter from his office: The ſpirit of the prophets, as to this, is ſubject to the Prophets only.

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It is true, it followed upon their banishment as a necessary consequence, that they could not exercise the Ministeriall function in that place out of which they were banished: But notwithstanding of any Act of banishment they remained Ministers; for there is no such connexion betuixt their being Ministers, & their being in such a place. And all the sentence of the Magistrat reached only to their being, or not being, in such a place. All this will be beyond dispute with such as are not grosse *Erastians*; for no reformed divine will acknowledge that the civill Magistrat can immediatly depose a Minister; far lesse can he do it by the sole Act of banishment. So then this is clear, that those Ministers who were banished from their owne parishes, remained still Ministers of the gospel, yea &, as hath been said in the fore-going section, Ministers of the Church of *Scotland*.

2. It is no lesse clear unto all such as have not drunken in independent principles. That all such as are Ministers, have a relation unto the Church universall, and unto the nationall Church wherein they are, and so may, wherever they are, discharge the duty of Ministers, in preaching & administrating the Sacraments.

3. Not only may they do so, but there is a necessity laid upon them to preach the gospel, & woe is due unto them, if they do it not, 1 *Cor.* 9: 16. If once they have given up themselves unto *Christ*, as servants to him, they must resolve to be imployed for him, to the out most of their power, & must not think of laying up their talent in a napkin; lest they get the wicked & slothfull servant's reward. They have a divine command *to preach in season, and out of season*, & to lay out themselves, to the yondmost for *Christ*, and his interest. This will also be undenyable: especially considering in the next place.

4. That there was never greater necessity, for their bestirring of themselves as faithfull Ministers of the gospel, then now, when there are so many thousands left destitute: & so many led away with false guides, who make it their work to deceive people, & to pervert the right wayes of the Lord: & so many ready to faint under persecution & sore affliction. Is

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not the harveſt now great, & are not the labourers few, when a man shall goe many miles before he shall heare any honeſt Miniſter? And should ſuch, on whom God is calling aloud to teach, exhort, & comfort, be ſilent now? Is not *Satan* buſſy leading ſome away to *Atheiſme*, others to *Prophanity*, ſome to *popery*, others to *Quakeriſme*? And doth not this call aloud on all who would be faithfull to their maſter to be actively beſtirring themſelves now, for the good of ſouls & for the glory of God? Are there not many honeſt followers of *Chriſt* lying under ſore oppreſſion & bondage, their ſpirits being grieved, & their ſouls waſted with hearing & ſeeing what they do hear & ſee? And have not theſe need to be comforted & cheered up under the croſſe? Doth not God allow conſolation to ſuch? & is he not calling on his ſervants to ſpeak comfortably to ſuch? Are there not many almoſt fainting by reaſon of their weakneſſe, & the continuance of the tryall & should not Miniſters minde that command, 1 *Theſ.* 5: 14. *Comfort the feeble minded, & ſupporte the weak*? Are there not many in hazard to be led away with the temptations of the time? & hath not *Satan* many inſtruments wearying themſelves in this ſervice of ſeduceing poor people, & drawing them into their nets & ſnares, & should not Miniſters be doing what in them lyeth, to keep out of the ſnare, ſuch as are in hazard; & to recover ſuch as are already inſnared, out of the hand of the devil? Great then is the neceſſity that poor people are into, & double muſt the woe be, that abideth ſuch Miniſters, as are ſilent, at ſuch a time, when all things call upon them to lift up their voice like a trumpet; & to ſhew people their tranſgreſſions, & their hazard, & to be burning & shineing lights, that ſuch as walke in darkneſſe may ſee their way & be comforted.

5. Such a practice is aboundantly warranted by the *Apoſtles*, & other Church officers, in the primitive times: For they went to ſeverall places & preached the Goſpell; When they were perſecuted in one city, they went unto another, & ſtill preached the goſpell where ever they came: The hiſtory of the acts of the Apoſtles, aboundeth with inſtances of this kinde, ſo that it is needleſſe to cite any. If it be ſaid that theſe were extra-

extraordinary officers *Apostles*, *prophets*, & *Evangelists*, who were not fixed to any one place, as the ordinary officers were. It is answered. That preaching of the Gospell was not the Characteristicke of unfixed officers, but common to them with fixed pastors & doctors: & preaching unfixedly was not alwayes their note & essentiall mark, because in times of persecution, pastors & doctors might have preached, wherever they came, as the officers of the Church of *Ierusalem* did, who, being scattered abroad upon the persecution of *Stephen* act. 8. 1. *Did goe every where preaching the word*, *v.* 4. These who were scattered behoved to be the fixed officers of the Church of *Ierusalem*; for it is not probable, that the Apostles would have left that Church of *Ierusalem*, so long without *preaching officers* fixed for preaching & administrating the sacraments, seing they had instituted *Deacons* who were lesse necessarie, *Act* 6:1,2,3,4. & seing themselves were not fixed there, but were to goe thorow the world, according to *Christ's* appoyntment, & the direction & guideing of the Spirit.

6. So is it warranted by the practice of the faithfull & honest servants of *Christ* in all ages, who through persecution being thrust from one place, went & preached the gospell in another: both in the time of the first ten persecutions, through occasion of which, the Gospell was spread far thorow the world, & at severall times since. The honest servants of *Christ* in Queen *Mary* her dayes went abroad preaching the Gospell. So did the zealous servants of *Christ* in *Scotland*, when banished, or compelled to flee preach in *England*, *France* & *Holland*, without any new ordination, or any thing like it.

7. There is some necessitie lying upon them to preach, as occasion offereth that they may not stumble the poor ignorant people, who upon their silence are ready to think that the civil Magistrat hath power to depose Ministers formally: And therefore, if there were no more but this it were enough to provoke them to preach, that the world might see, that they put a difference betwixt the power of the Magistrat, & the power of the Church; And that when they submit unto the Magistrat, keeping within the compasse of his calling, & exerciseing that power which formally agreeth to him, though he should mistake

stake as to the application: They will not submit any further, to the wronging of the privileges of the Church: And so will let the world see that they are still Ministers of the Gospell, though banished from their particular flocks.

8. Their silence in such a case would be stumbling unto others, who look upon it as an evidence of fainting, & fear in them, who dar not open their mouth, nor appear for Christ & speak to the edification & encouragement of sufferers, least it offend the Magistrat: And when such are so faint-hearted how doth it discourage others, & strongly prevaile with some to goe over the belly of their own light & conscience, yea moreover it hardeneth the wicked in their evil courses, & encourageth them to persecute more & more, when they see such fainting & discouragment among the followers of Christ.

So then when these particulars, are considered, It will be found that such Ministers do but their duty, & that they would come short in their duty, if they did not so preach the Gospell.

If it be *Objected* here. That to preach in such a disorderly way would be a breaking of the established order of the Church viz. a preaching within such a Bishops dioecy without his license, & so it would be a course not approved by the God of order. It is. *Answered.* 1. That ceremonies or matters of mere otder must be passed by in times of necessitie, such as this is. 2. Such an established order as tendeth to the tuine of religion, is but iniquity established by law, for that is not an order of God's appoyntment, which is destructive to the maine bussinesse, viz. the edification of souls, & therefore such an order which is to destruction & not to edification, is not to be regairded, 3. Where is there any warrand for such an order or appoyntment in all the Gospell? Did the *Apostles* ever aske liberty from the corrupt *Clergy* among the *Iewes*, to preach *Christ*, in such or such a place? Where is there any warrant for such as are Ministers called of God & ordained, to suspend the exercise of that function till they have the license & good will of a prelate? This is that popish leaven which the former *Englis*

glish Prelats had from *Rome*: preaching the Gospell is immediatly commanded to all who are Ministers, & there is not the least syllabe, for their going to a Bishop, who is nothing else but a creature of man, to seek license: And certanely none can think that these Ministers might have gone to the prelat, to obtaine liberty; seing that would have been a cleare acknowledging of them & their power, contrare to their vow & covenant. So then it was better to take the way of the Apostles, & to obey God rather then men; & to preach at God's command, when man forbiddeth, as well as to preach truth when man commandeth the contrary, seing he hath no power from God for that effect more in the one case then in the other.

2. It may be possibly further *objected*. That how ever they remaine Ministers & so may preach as they have a call; yet to seek corners & hideing places to preach in, to separated congregations cannot be allowed in a constitute Church: *Ans.* If they be Ministers of the gospell, they may lawfully preach the gospell, where God in his providence giveth them a call to preach. 2. Since they cannot have liberty to preach the gospel in publick, they may & must do it in private, when the necessity of the people calleth for it. *Christ & his Apostles* did not alwayes get the publick places to preach in, but were content of privat roomes: Many a time did *Christ* preach by the sides of mountaines, by the sea side, & in such by-wayes: And so did the Apostles: *Paul* could get no better at *Ephesus* then the school of *Tyrannus*: and two full yeers he preached in his own hired house at *Rome Act.* 28: 30, 31. & therefore this practice of theirs cannot be condemned; for. 3. As the Church was then *in fieri*, so is it now in a decaying condition, & therefore though it were granted (which is not yet clearly proved) that in a Church rightly constituted, such private preachings, were not lawfull; yet when a Church is fallen from her right constitution, & is upon the decaying hand (as without all doubt, the Church of *Scotland* is this day) many things may be allowed, as they are, in a time when the Church is but *in fieri*: & as to this particular in question, a time of persecution (as this is) is alwayes excepted; so that it is lawfull enough

enough now, ſo long as this perſecution laſteth, to preach the goſpell in private when no liberty can be had to do it openly.
4. Theſe Miniſters are gathering no ſeparated congregations, but only preaching to all who will come & hear the word of truth, in ſuch quiet & retired places, where they may get it done moſt ſaifly & may be moſt free from diſtraction & trouble of their enemies, who are waiting to finde them out, that they may haile them to priſons. Who then can condemne their cariage in this.

3. If any should further *object* & ſay. That this would be an open contempt of the Magiſtrat's lawfull authority, & diſobedience to his lawfull commands; For though it be true, that he cannot take away the office of a Miniſter or the power of order, & ſo degrade him; yet he may take away the exerciſe of his Miniſteriall function, at leaſt, he may diſcharge the exerciſe of the ſame, within any part of his Kingdome or dominions *Anſ.* Whether there be ſuch an expreſſe prohibition or not is not certanely known, nor whether or not the objection doth ſuppone, that the Magiſtrat's Act of banishing of them out of their own parishes, or out of the bounds of their reſpective presbyteries, doth include a diſcharge of exerceing the Miniſteriall function, any more, within the Kingdome. If the objection goe upon this ſuppoſition it is ſufficiently anſwered above. But next, ſuppone there were ſuch a command expreſly prohibiting them, they were not bound to give obedience. Becauſe to inhibite & diſcharge the Actuall exerciſe of the function of the miniſtry is a ſpirituall cenſure, it is reall ſuſpenſion, which is a ſentence that can lawfully be paſſed only by a Church judicature: & the civill Magiſtrat can no more ſuſpende from the exerciſe, then he can depoſe from the office; for the one is a degree unto the other: See *A poll: de jure Maj. circa ſacra: pars* 1, *pag.* 334, 335, 336. And *Rutherfurd's due right of presbyteries, pag.* 430, 431. And therefore though the civill Magiſtrat should paſſe ſuch a ſentence, conſcientious Miniſters ought not to obey; becauſe, the civill Magiſtrat, in paſſing ſuch a ſentence, is not keeping within his ſphære but tranſgreſſing the limites of his calling, & when the civill Magiſtrat is uſurping the power that doth not belong

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unto him, obedience is not to be yeelded, neither is he to be countenanced or encouraged in that. Therefore though there were no more, this is sufficient to call all Ministers to give testimony against such an usurpation, by refuseing to obey any such Act, or by preaching, when God giveth a aall, in his providence, in any place they come unto, though there were never such an expresse Act to the contrary, They must not by their silence, And obedience unto such commands, gratify the civill Magistrat & make him another *pope*: See *Apollon*: *jus Maj. circa sacra*, par. 1 *pag.* 338.

Section XVII.

It is lawfull for Ministers to preach after the pretended prelate hath either suspended or deposed them.

BEing now speaking of the trouble that Ministers are put to, for preaching of the Gospell, it will not be amisse to speak here, of another case: And it is concerning such as either are, or shall be suspended, or deposed by the prelats or their Synods: And it may be, some may think, that though they be not bound to be silent upon the sentence of banishment passed against them, by the civil Magistrat: Yet being formally silenced or deposed by the Bishop, or his Synod, they cannot lawfully contraveen that Act & sentence, it being the act & sentence of a Church judicature, or of such as have formally Church power & authority. But the serious pondering of these six things, will cleare that notwithstanding thereof they are bound to look upon themselves as Ministers, & so not only may but ought to exerce their Ministery as God shall put opportunity in their hands.

1. Submission unto such a sentence would be an acknowledging of the *prelate* & of his power, & this is contrary to

their oath & covenant: Such officers as prelats, were cast out of that Church, & abjured, & now submission unto their sentence, would be an expresse owneing of them, & acknowledging them to be really cloathed with Church power, & particularly with power over *preaching presbyters*; & so they should acknowledge another officer in the Church, then Christ hath instituted, which no true Christian ought to do. If the *Pope* should take upon him to depose or suspend any Gospell Minister, would not that Minister acknowledge the power of the *Pope*, if upon the receiving of such a sentence he should leave off the exercise of his Ministery? And when the civil Magistrat taketh upon him to depose a Minister immediatly, if that Minister should upon such a sentence, be silent & submit, would he not thereby acknowledge that the Magistrat had power to depose Ministers formally? Sure none could doubt of this: So then it is beyond all question that to submit unto such a sentence, would be a clear acknowledging of their power, & this is diametrically opposite unto an endeavour to extirpat them.

2. If it were lawfull to submit unto their sentence, it were undoubtedly lawfull to compeer before their court as before a lawfull court, & answere unto any accusation given in against them, for if one may acknowledge the lawfulnesse of the sentence of such a court, they may also acknowledge it lawfull to answere before them, & so lawfull to owne them as a lawfull court. Now seing conscientious Ministers could not have clearnesse to compeer before the *prelat* or his *Synod*, when summoned; can it be expected that they should counter-act their own testimony & condemne themselves, by submitting unto their sentence?

3. Such a submission would prove very stumbling unto the godly for, 1. It would encourage them to owne the prelats as lawfull Church officers, to compeer before them, to obey their acts, & so to owne & acknowledge them as lawfully impowered; for if they be owned & acknowledged in one particular, why not in all? 2. it would wronge the peace of the godly, who have hithertill keeped a distance; & give a check unto their conscientious walk

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ing, when they should see ministers submitting to their sentence as to the sentence of any uncontroverted lawfull Church judicature.

4. Who ever condemne this non-submission, sure such, as of late, thought they could not in conscience submit (& also all such as did approve them in that particular) unto the sentence of deposition or suspension, passed against them by a controverted *assembly*, because they looked upon it as no lawfull *Generall assembly*, being not lawfully constituted; cannot condemne this; but according to their principles, must preach; for no doubt the power of *prelats* is much more to be questioned, then the power of such *assemblies*, & even many who will stand to the justifying of that *assembly* will never justifie the power of *prelats*, & therefore it cannot but be expected that such as thoughte the sentence of that controverted assembly null, should now look on the sentence of a prelat, as null and of no effect and therefore as little, if not lesse, to be regairded & submitted unto.

5. Beyond all question, it is a sentence proceeding from such as have no power, & therefore ought not in conscience to be submitted unto. A minister who is called of God must not lay aside his office or the exercise of his office & power, upon every man's desire: But if he be exauctorated at all, it must be by such, as have lawfull authoritie for that effect, unto whom he is bound in conscience, to subjecte himself; And so he shall have peace though the sentence be passed *clave errante, unjustly*. There will no man quite any of his goods upon a sentence comeing from an incompetent judge; And shall a Minister quite with his Ministerie, which should be dearer unto him then any thing else, upon a sentence proceeding from an incompetent judge, o'ra privat person? this in reason cannot be expected.

6. If so be they should submit unto this sentence & account themselves no Ministers, It would follow that though the *prelats* were all away, they might not preach nor exerce any ministeriall Act, untill a Church judicature would take off the sentence againe, & then not only they, but the Church judicature also, in so doing, should acknowledge the validity of the sentence

and consequently the lawfulnesse of the power from which it did flow.

But it will be *objected*. 1. That that sentence cometh not from the *Bishop* alone, but from a *Synod* whereof he is only the moderator. *Ans.* Though the sentence be given out at the meeting of such as are underlings to, & complyers with him; Yet the sentence is only his sentence, & this he is pleased to signifie unto all, at their meeting, lest they should forget it, & so mistake him & themselves both; And he indeed maketh a fashion of asking their votes, to the end they may be partakers of the guilt, & of the *odium* with himself; But he acknowledgeth them to have no power, unlesse it be to give their counsell & advice. But. 2. It hath been showne above that such meetings are no lawfull Church judicatures, no presbyterian meetings, but prelaticall conventions & conventicles, set up of purpose, for his ends & for the carrying on of his designes. And their not compeering before these meetings sayeth they did not acknowledge them to be lawfull meetings, & therefore they cannot now acknowledge their sentence.

It will be *objected*. 2. That though they ought not to be submitted unto as *prelats* or *courts of prelats*; Yet they ought to be submitted unto as the King's commissioners, & their sentence is in so far to be reverenced. *Ans.* Whether they sit & Act there, as principall or as commissioners, yet any such sentence proceeding from them, *is anm-habente potestatem*, *from such as have no power*; For of themselves they have no such power, & they can have no such power from the King for *nemo potest dare quod non habet*, the King can not give them the power which he hath not, The King cannot depose a Minister immediatly: It is true he may put a lawfull judicature to whom this power doth properly belong, to do it, or he may imprison or banish, & consequently put from the exercise in such a place, but formally he cannot give out any Church censure of *suspension* or *deposition*, against any Minister, & therefore he can commit no such power unto any man whether he be a civil man, or a Church man. And thus It is still clear that this sentence should not be submitted unto, if it were no

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more but for this one cause, because it should be an acknowledgeing of the Magistrat's power in the matter of Church censures, which is an assertion unto which no sound reformed divine will assent.

It will be *objected.* 3. That seing it is certane such shall be put from their Ministerie ere long however, for if they submit not unto the sentence, the civil Magistrat will either banish or imprisone, or some other way put them from it, whether they will or not, were it not faiser then to prevent further suffering to themselves & theirs, by submitting in time? *Ans.* It is true, that in all probability the civill powers will not suffer such to preach long, after such a sentence is disobeyed; But yet it is the duty of all, so to carry themselves, when suffering is at hand, as that they may have most peace of conscience, & quietnesse under the crosse: And it is certane they shall have far more peace, who continue preaching as opportunity offereth, notwithstanding of any such sentence, untill some phisicall restraint or what is equivalent, be laid upon them; Then such as shall willingly submit unto an unlawfull sentence, proceeding from an unlawfull judicature, deriveing power from an empty fountaine, & thereby give offence & great scandall both to good & bad.

It will be *Objected.* 4. That submission to judicaturies established by law, is necessarie; Either obedience active or passive is necessary, otherwise there shall be no order. *Ans.* Whatever may be laid anent *submission*, or *non-submission* unto the unjust sentences of lawfull judicatures; Yet it will be clear, that no submission should be yeelded unto the unjust sentences, of unlawfull judicatures. For the authors of *the review & examination of that book* intituled *Protesters no subverters and Presbytery no Papacy* grant, *Pag. 96.* This much. saying *we plead not for submission to officers, & judicatories, not of Christ's own institution, such as, not only, popes, but prelates, -- & were no lawfull Church officers so that here their arguments conclude not, taken from the practice of Ministers, not submitting to the sentences of prelats in the Church.* So that then all the Church of *Scotland*, as to this particular, it seemeth, was of one judgment and

thought that Ministers should not submit unto prelats passing a sentence of suspension or deposition against them, these prelats being no lawfull Church officers: & so it is clear that this *non-submission* in this case, is no new thing in that Church, but was the practice of severall worthy & precious men before, as the book before mentioned sheweth, which instances are worth the noticeing now.

SECTION XVIII.

It is lawfull for the people, to hear those suffering Ministers, & to meet for prayer & other Christian exercises, in private.

WHen the poor people cannot in conscience attend the ministry of such as are thrust in upon them against their will; for the reasons already given; their temptation groweth double upon them; & their trouble increaseth; for now when they goe to hear such Ministers, as they may lawfully hear, either in publict or in private, it is a cause sufficient for persecution: yea or if they meet two or three together, in any privat place, for prayer, conference, or any other Christian exercise, they are in hazard to be hailed to prison &, punished as keepers of conventicles.

Doubtlesse, it cannot be very necessary, to speak much, for the justification & defence of those, who either have suffered, or may hereafter suffer upon that account; seing few who owne Christianity, or know the sweet of Christian exercises, and of Christian fellowshipe, will condemne such as value the good & advantage of their souls beyond their bodies; yet lest some should be moved to think that at such a time, such wayes should be forborn, a little must be spoken to justify both those courses.

And *first* for their going to heare, either in publick or privat such

such Ministers, as are still lawfull Ministers, what ever sentence hath passed against them; & have given a faithfull testimony unto the truth, by adhereing to their principles, notwithstanding of all the sufferings they do, or can meet with, much needeth not be said, seing,

1. They are so expresly & often commanded to heare the word of truth, to heare what is the minde of the Lord; for by the Ministery of his servants doth God manifest his minde unto his people. *The priests lips should preserve knowledge and the people should seek the law at their mouth, who are the messingers of the Lord of hosts*: It is their duty to waite at the posts of wisdomes doors, this will be undenyable.

2. There is an innate desire in the saints, after the word of truth, *as new born babes they desire the sincere milk of the word that they may grow thereby*, 1 *Pet.* 2:2. So that, any who are offended with them, for this, must be offended with them for being Christians, & must be offended with new born babes for desireing the breast; & is it not cruelty to smite & punish poor young babes for seeking the breast? What cruelty must this be then, to punish such for this, to which their nature as Christians, leadeth them.

3. They have oftentimes, through the breathing of the spirit of God upon such exercises, found a rich in-come: as they gote life & quickening grace that way, at the first, so have they oft found their souls revived, & their hearts enlairged, their eyes inlightened, their drouping spirits encouraged, their feeble knees lifted up, their doubts answered, & cleared, and their souls lifted up in the wayes of the Lord, & strengthened to turne the battell to the gate, & to stand against corruption, &c. And can any blame them for seeking after those watters that they have been so often refreshed by, formerly?

4. There was never greater necessity; for upon the one hand temptations abound, darkneſſe, fainting, discouragment grow: And upon the other hand, they have no other to goe to, unlesse they would resolve to drink of fouled watters, which their soul abhore: let none say that they thereby drive at sepa-

ration, for they desire not to separat from the Church, nor from the publick ordinances, whereever they can have them without sin; they love the ordinances, only they can not owne such men as their Ministers, who have so palpably betraved their trust, nor can they attend the ordinances here they cannot enjoy them to edification, & the sheep must be allowed to choose wholsome food, & not to take poison.

But is it not a strange thing that they will not suffer Christians to meet together for prayer? It would seem they look on that *God* to whom the saints do pray, as their enemie, & that they are afrayed of prayer: And indeed the time hath been when the prayers & fasting of the saints of God have been terrible to the great enemies of God in that land, yea more terrible then Ten thousand men, as themselves have professed. But what is this else then to banish Christianity, to professe enmity unto Christian exercises? And sure no Christian will condemne Christians for flocking together, as birds of one feather do, for prayer & other exercises in this evil time: seing,

1. It hath been constantly practised, especially in evill times, in all ages, & why should it be condemned now? Learned *Voetius de Polit. Pag. 969.* Sheweth that by this meanes, true religion was preserved & propagated, both of old & of late, & how this course is followed, where popery reigneth, or where there is such formality as the truely tender cannot conforme themselves unto. Futher he cleareth the lawfulnesse of this practice from that meeting in the house of *Cornelius Act* 10. & that other *Act* 12:12.

2. God hath approven such & promised to reward them that in such an evill time wherein the *proud were called happy & they who did work wickednesse, were set up; Yea they that tempted God were delivered: Did speak often one to another, Mal.* 3:16,17. *the Lord hearkened & heard it, & a book of remembrance was written before him for them that feared the Lord & that thought upon his name, & they shall be mine, sayeth the Lord of hosts, in that day when I make up my jewels, & I will spare them as a man spareth his own son that serveth him,* would not this encourage

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Christians to meet to gether? What will do it, if this will not do it?

3. The Apostle writting to the *Hebrews cap.* 10: 25. sayeth *not forsaking the assembling of yourselves together as the manner of some is*, & this is a warrand for privat Christians to assemble to gether; for he is there pressing dutles on Christians in reference to other privat Christians, as *considering one another & provoke-ing one another to love & to good works*; And for this end presseth their frequent assembling together not only to the publick ordinances, but even also to privat exercises whereby they may the better consider one another, & as it followeth, may exhort one another. Therefore this is a commanded duty, & God must be obeyed.

4. Their necessitie calleth for it that every one should be helpfull to another; & therefore they should joyn together as one, for the mutuall relief & supply of one another: *vis unita fortior. Eccles.* 4: 9, 10. *two are better then one —— for if they fall the one will lift up his fellow v.* 12. *& if one prevaile against him, two shall withstand him, & a threefold cord is not quickly broken* who then can condemne this practice?

5. There are some generall comprehensive dutyes required of Christians, which will necessarily require their meeting together or by good consequence cleare the lawfulnesse thereof. as,

1. They are commanded frequently *to love one another Ioh.* 13: 34, & 15: 17, 12. *Rom.* 13: 8. 1 *Thes.* 4: 9. 1 *Ioh.* 3: 11, *and* 4: 7, 12. *Ioh.* 13: 35. 1 *Thes.* 3: 12. Now as love in other societies necessarily effecteth a frequent assembling together: So will this Christian love draw Christians together for these ends & purposes; which love setteth them on work to do, each to other.

2. They must *be Kindely affectioned one toward another Rom.* 12: 10. as parents to Children, & is it not ordinare to see parents & children together? And where there ought to be such affection can any condemne their assembling together.

3. They must *be of one minde and of one mouth. Rom.* 15: 5, 6. 2 *Cor.* 13: 11. 1 *Cor.* 1: 10. *Phil.* 1: 27, *and* 2: 2, 10. 1

Pet. 3:8. And how is this possible unlesse they meet together to communicate their mindes unto other, & to pray to God for light in any poynt of difference, &c.

6. There are some particular duties pressed upon Christians which will include their assembling together: as.

1. They must *consider one another to provoke unto love and to good works Heb.* 10:24. And this will necessarily imply their familiarity with other, & their frequent assembling together, to provoke to love, &c.

2. They must *exhort one another Heb.* 10:25, *and* 3, 13. & can this be done if they may not conferre together & assemble for this end?

3. They must *comfort one another* 1 *Thes.* 4. *last and* 5:11. & must they not meet together & speak together for this end? & pray that God would blesse the meanes & beare home the words of comfort?

4. They must *edifie one another* 1 *Thes.* 5:11. And is it possible for them to do this duty & live as strangers one to another; this duty of edifying one another is a very comprehensive thing, & doth necessarily imply the saints assembling frequently together, that one may be helpfull, strengthening & encourageing to another.

5. They must *admonish one another Rom.* 15:13. Presse or urge a thing upon the minde of another, & so instruct them aright, as children are instructed; & this sayeth they must often be together for this end.

9. They must *teach and admonish one another in psalms and hymnes and spirituall songs Col*, 3:16. & can this be done unlesse they assemble together?

7. They must *be kinde or profitable one to another Ephes.* 4. last & this sayeth, they must not be strangers to other.

8. They must *serve one another in love Gal.* 5.13. that is, they should spend themselves for one another for their spirituall advantage, & that in love, & should they not then assemble together?

9. They must *receive one another Rom.* 15:7. that is, receive with affection & imbrace, one another: And must they then

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carre at the company of one another? And not rather receive ther into their intimate fellowship?

10. They must *be subject one to another Ephes.* 5:21. 1 *Pet.* 5:5. very one ready to give, & to take, reproofs to, & from another, & to do service to other as called thereto, & this sayeth they must not live as strangers to other.

11. They must *confesse their sinnes to one another and pray for another Iam.* 5:16.

12. They must *ministere their gifts to one another*, 1 Pet. 4: v. 10.

Obj. It will be *objected* that this is sedition & opposeing of established lawes, made for the good of the common wealth against such conventicles, & therefore such controveeners cannot be justified. *Anſ.* It is not for fear of any disturbance to the peace of the common wealth that such Acts are made, for a few women, (who in all likelihood are able to do little that way) may not meet together. 2. The heathens did pretend this when they made lawes against the meetings of the primitive Christians; And therefore their meetings, were called *Factions*, *And conventicles:* And yet the primitive Christians did not forsake the assembling of themselves together, notwithstanding of all these edicts, & albeit that severall times they were put to suffer upon that account: see this fully made out by the learned *Mr Stillingfleet* in his *Origines sacræ*, *Lib.* 2: *cap.* 9. *Pag.* 316. &c. And who then will condemne these Zealous Christians now for so doing?

SECTION XIX.

The unlawfulnesse of compeering before the high Commission Court, demonstrated.

TO the end that the forementioned persecution of the saints & servants of God might be the better carryed on, There is a *high commission* court erected consisting of the two arch prelats, & some other prelats, & of some noble men, some Magistrats of brughs, & some souldiers & others: And this number or any five of them, a prelate being alwayes one of the five, have power granted to them from the King who appoynteth them by vertue of his prerogative royall & supremacy over all persons in all causes ecclesiastick, as was shown above *Sect.* 12. *To suspend deprive & excommunicate, as also to punish by fineing, confineing, committing & incarcerating all keepers of conventicles, all Ministers who contrare to the lawes & acts of Parliament & councell, remaine, or introduce themselves upon the exercise of the function of the Ministery, in those parishes & bounds inhibited by those acts; all preachers who come from* England & Irland *without sufficient testimonialls, or leave of the Bishops of their dioceses, all such persons who keep meetings & fasts at the administration of the sacrament of the Lord's supper which are not approven by authority: All who speak, preach, write or printe to the scandall, reproach, & detriment of the Estate, or government of the Church & Kingdom, as it is now established: All who contemne molest, & injure ministers who are orderly setled: All who do not ordinarily attend divine worship, administration of the word & sacraments, performed in their respective parishes by ministers legally authorized, for taking the cure of these parishes: All such who without any lawfull calling as busy bodies, goe about houses, & places for corrupting, & disaffecting people from their alleagiance, respect & obedience to the lawes: And generally, without any prejudice to the particulars specified, all who expresse their dissatisfaction to his Maj. authority*

y by contraveening the acts of Parliament & Councell in relation o Church affaires, etc. This court appeareth terrible unto the godly, for the persecution of whom, & of none else, no not the most flagitious & prophane, it is erected; & seemeth to be as a new court of inquisition. But that which is more lamentable is this: That there lyeth hid here a dreadfull snare for tender consciences; For it is such a court, as tender hearted Christians cannot but scruple to acknowledge, or compeer before, without a declinature, the giving in of which, would be accounted *læse Majesty*, & therefore in such a case, such as resolved to keep a good conscience, in this day of tryall & defection, saw a necessity of withdrawing, & of not compeering at their summonds, even though they might have pleaded themselves innocent of any crime laid to their charge.

Now if any would desire to know the reasons why such a court cannot in conscience be owned, acknowledged or submitted unto, as a lawfull judicature, let him consider these particulars, & lay them together, & he shall see clear reason for either declineing or withdrawing.

1. This is a judicature meddling with censures purely ecclesiastick, such as *suspension*, & *deposition of Ministers*, & *excommunication* both of Ministers & people, & therefore must be acknowledged to be a Church judicature. Now there is no warrand for any such Church judicature, in all the new testament; nor is there any precedent of the like, to be found in the Gospell: & Christians must acknowledge no Church judicature but what hath a speciall warrand from Christs law & testament.

2. This is a Church judicature having its rise, power & commission only from the King, & the King granteth this power to this *Commission* & authorizeth this court, by vertue of his *royall prerogative over all persons, and in all causes, as well ecclesiasticke as civil.* So that none can acknowledge this court but withall they must acknowledge the Kings prerogative royall, & supremacy in all causes, & over all persons; & particularly they must acknowledge that pure & proper church power, doth properly reside in the person of the supreme Magistrat,

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& that he hath proper power to *suspend* & *depose ministers* & also to *excommunicate*, & so hath power to Commissionat any of his subjects, he thinketh good, for that effect: But what presbyterian, yea what sound protestant who is not devoted to *Erastus's* Antichristian notions, will or can acknowledge this.

3. In this judicature, civil persons as such, viz. the *Chancellour*, *Thesaurer*, *duk Hammilton*, *Marquis of Montrose*, *Earles*, *Lords* & others, who are no Church officers, have power in Church matters, viz to *suspend*, *depose*, & *excommunicate*. But this is against all the Discipline & lawes of Christ's house, for Christ will have the affaires of his house governed by officers of his owne appoyntment: Who then can acknowledge such a court, & not with all consent unto this intolerable incroachment upon the privileges of Christ & his crowne, & justling of our Lord out of his rights? is not this the fountaine of all disorder, & confusion, tending in end to the utter overthrow of all Church discipline, & to the totall overturning of the Established order of Christ's house? & can any acknowledge such a court, seing such sad consequences will follow thereupon?

4. In this judicature, ecclesiasticke persons have power of civill matters & civill punishments, for the court hath power to *fine*, *confine*, *committ*, *and incárcerat* for contraveening the Acts of Parliament. But that Church officers should medle with civill matters, is diametrically opposite unto Christ's word, *Mat.* 20: 25. *Luk.* 22: 25. where he forbiddeth all the exercise of any such power as was exercised by Kings and civill powers on earth, saying *the princes of the gentiles exercise dominion*, *and they that are great exercise authority*, *but it shall not be so among you* so that the very exercise of the power is prohibited, & if any should think that he meaneth only the tyranny & abuse of the power, because he useth the compound words κατακυριεύουσιν & κατεξουσιάζουσιν *Luk.* doth sufficiently take away this objection; when he useth the simple words κυριεύουσιν & ἐξουσιάζουσιν & the scope of the place cleareth it also for the question unto which Christ returneth this answere is

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concerning primacy & power, and not concerning the abuse of the power. So then whoever do acknowledge this court do approve in so far of this contradiction to Christ's command.

5. The acknowging of this court, would be upon the matter a justifying of all the Acts of persecution exercised against the worthies of old, for avouching the Kingly office & power of Christ, & declineing the civill courts, in Church matters; & so a condemning of the Zeal of those worthies, who hazarded life & all which was dear to them, in giving testimony, against the incroachments made upon the crown and privileges of Christ as King: But certanely a Christian tender of the glory of God, & of his cause, which hath been, & is hated & persecuted by his enemies; would scarre at this.

6. Particularly the acknowledging of this court, would be a condemning of worthy & precious *Mr Rutherfoord*, & *Mr Dickson* who declined the *High commission*, and refused to passe from their declinature on any termes, wherein they were singularly & eminently owned of God, & approved by his testimony to their spirits: And what tender Christian could do this?

7. The acknowledging of this court, is a clear breach of the first article of the league & covenant, in severall particulars as. 1. the acknowledging of this court, is an overturning of all the principles of Presbyterian Government, & so contrary to that oath whereby every one is *sincerely, really, and constantly, through the grace of God, to endeavoure the preservation of the reformed religion of the Church of* Scotland *in doctrine worshipe, discipline and government:* And that because. 1. It is contrary to the principles of presbyterian Government to have Church power derived in whole or in part from any prince or potentat upon earth, but only from *Iesus Christ* the sole King & head of his Church. 2. It is contrary to the principles of presbyterian government to have Church censures dispensed by any except Church officers. 3. It is contrary to the principles of presbyterian government to have Church officers medling with civill affairs. 4. It it contrary to the principles of presbyterian

rian government to have any other Church judicatories, then such as are allowed by the Gospell 5. It is contrary to the principles of presbyterian government to have Church power & civill power confounded, & in-distinct. 2. The acknowledging of this judicature, would be a condemning o the work of reformation in part; for this is one piece of the doctrine of the Church of *Scotland*, & one piece of the refo mation viz. That Church officers should not meddle with civill power or places, & this was much looked to, at the beginning of the late work of reformation, & condemned both by Church and state, *Anno* 1638, 1639, & 1640. And therefore tender Christians could not do this, & sinne against God.

8. The acknowledging of this judicature is a breach of the second article of the same league & Covenant. Upon this account that it is an acknowledging of the power of prelats in the higheſt degree of that power which ever they had in *Scotland*. And next upon this account, that it is an approving of that which is contrary to sound doctrine, & the power of godlineſſe, & so a partaking of other mens sinnes, & a runing the hazard of receiving of their plagues, expresly contrary to that article.

9. As to the civill part of this court (for it is a monster of judicatories, viz. two distinct bodies under one head) The acknowledging of it, would be a crossing of the third article of the league & Covenant upon a twofold account. 1. In that it is a wronging of the rights & privileges of Parliaments, to owne a judicature not approved & established by any Act of Parliament old or late. 2. In that it is a wronging of the liberties of the Kingdome, to consent unto an arbitrary power, assumed by the prince over them, contrary to the fundamentall lawes of the land, in setting up what judicatories he pleaseth without consent of Parliament, without whose speciall warrant & authority the meaneſt fixed court cannot be erected.

10. It is a court unamimously condemned by the Church of *Scotland* in their assembly 1638. *Act Sess.* 14. upon very pregnant & considerable grounds for they found *that it had been erected without the consent or procurement of the Kirk, or consent of*

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the Estates of Parliament: That it did subvert the jurisdiction and ordinary judicatories & assemblies of the Kirk sessions, presbyteries, provinciall and nationall assemblies: That it was not regulated by lawes civill or ecclesiasticall; but at the discretion and arbitrement of the commissioners: That it gave to ecclesiasticall persons the power of both the swords, and to persons merely civill the power of the keyes, and Kirk censures: and therefore *did prohibite the use and practice of it, as being a court unlawfull in it self, and prejudiciall to the liberties of Christ's Kirk and Kingdome, and the King's honour in maintaining the Established lawes and judicatories of the Kirk.*) Now how could any true member & officer of the Church of *Scotland* acknowledge this judicature so unanimously dis-allowed & condemned by that Church?

11. The acknowledging of this court would be a clear breach of the nationall covenant, as sworne & subscribed *Anno* 1638, & 1639. for in that covenant the land was sworne *to resist all corruptions, according to their vocation & to the uttermost of that power which God had put into their hands, all the dayes of their life*: And among other things referred to the determination of the Generall assembly, this, concerning the civil places & power of Kirk men was one: And accordingly the Generall Assembly did determine *act sess.* 25, *Decemb.* 19. 1638. That it was both inexpedient & unlawfull for pastors separated unto the Gospell to brook civil places & offices: & the next day there was an act made for subscribing of the covenant accord ing to this determination *for*: (say they) *it is found by the confession of faith, that the five articles of* Perth *and the civil places and power of Kirkmen, are declared to be unlawfull. The assembly alloweth and approveth of the same in all heads and articles thereof, and ordaineth that all ministers, masters of universities, colleges & schools and all others who have not already subscribed the said confession and covenant, shall subscribe the same with these words prefixed to the subscription, viz. The article of this covenant, which was at the first subscription, referred to the determination of the Gen. assembly being now determined at* Glasgow *in* Dec. 1638. *And thereby — the civill places & power of Kirkmen being declared to be unlawfull We subscribe according to the determination of the same free &*

lawfull generall assembly. So that it is most clear that none can owne this judicature without the breach of this covenant so explained; because they cannot acknowledge this judicature, but withall they must acknowledge the civil power & places of Kirkmen.

It will be *objected.* That the Commissioners of that court and particularly the prelats may be owned as his Maj. Commissioners & so it will be lawfull enough to compear before them. *Ans.* If they be looked on as his Maj. Commissioners: Then either as his commissioners in spirituall matters, or in civill matters: If as his commissioners in Church matters, then no Minister or Christian could owne them as cloathed with such a power, because his Maj. hath no such power from God, & therefore they can have no power from him by vertue of this Commission: & moreover compearing before them under that notion as having power of Church censures by vertue of a commission from the King, is an acknowledging of such a power in the King, which is contrary to truth, as is showne above. If as his commissioners in matters civil, then Church men should be owned as having civil power which were contrary to the clear word of Christ, & to the expresse determination of the *Assembly* & also contrary unto the *nationall covenant.*

But it will be *objected* in the next place. That upon the same ground no man might lawfully compear before the *High court* of *Parliament* because prelats are now made constituent members thereof, & so compearing before them would be an acknowledging of the lawfulnesse of the Church men their having civil places & power, *Ans.* It is true they may do nothing that may be an approving of their having civil places & civil power: & therefore through they might not decline the court of *Parliament* in a civil businesse, yet at their first compearance they would be necessitated to declare, that they do not acknowledge nor approve of Church men their having civill places and power, & to protest that by their compearance before the *High court* of *Parliament* they might not be looked upon as approving thereof; which protestation might in this case salve the conscience,

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but no wayes in the other case of appearing before the *High commission*, & that because, the *Parliament* is a full & compleat court without the prelats, so that though they were laid aside the *Parliament* would be a *Parliament* still: but without the prelats *the high Commission* is no court: for one of them at least is *sine quo non*; so that lay these all aside & you have no *high commission* court: & therefore they being essentiall members of the court, it is impossible to compear; & protest that in compearing you do not acknowledge their civil power, without a self contradiction; for in your protestation you have them virtually laid by, as no constituent members, & if they be no constituent members there is no court, yet your compearance sayeth that they are a court; & so it would be a palpable contradiction to protest against these as no constituent members & yet stand before them & answere, as before a court: But as to the *Parliament* the case is far different, for when the prelats are there laid aside there is a full compleet court remaineing, before which, you may stand & answere for your selfe: the *Parliament* hath been, & may be, a full & compleat *Parliament* without prelats but the *high commission* never was a court without prelats, & may be a court with full power & authority, when there are no other constituent members beside prelats.

Some may *object*. in the third place; & say This *High commission court* doth not meddle with Church censures, & therefore cannot be looked on as a Church judicature, meddleing with Church causes & Church censures; but is only a civil court medleing with civil causes, viz. the putting of the Acts of parliament to execution. *Ans.* 1. Though this were granted; Yet there is ground enough of scrupleing at the owneing of the same, as may be seen in the 4, 7, 9, 10, & 11. reasons formerly adduced. But. 2. It is not very materiall to consider either how little or how much of their power they do put unto execution; but the maine thing is to see what power they may exerce: Now the best way to finde out this, is to look to their commission, which will abundantly cleare us in this: Their commission sheweth how far their power doth reach, or what actions or causes fall within the compasse of their power; And by this we

can best take up the nature of the judicature: So that if their commission give them power to suspende, depose & excommunicate, every one must look upon them as a judicature having that power, whether they should alwayes, or never exercee it: And that their commission granteth to them this power, will not be denyed by any who hath ever seen the same; And that part of it which was cited, doth cleare it sufficiently: And therefore it is a mixed judicature, being as well Ecclesiastick as civil.

If it be replyed. That properly they have no power of suspending deposeing & excommunicating immediatly: But the meaneing is, they are to cause the respective Church judicatures to suspende, depose, & excommunicate; for the Act or commission containeing their power, sayeth they have *power to appoynt ministers to be censured by suspension, or deposition* It is. *Answered* 1. They have power to appoynt Ministers to be censured by suspension or deposition, the same way that they have power to appoynt them & others to be punished by fineing, confineing, committing & incarcerating: but this power they execute not by putting other civil judicatures to do it, but they themselves immediatly do it; & therefore so have they power granted to them to do the other immediatly, the ground of the answere is clear from the very words of the commission, which putteth no difference betuixt the way of their appoynting Ministers to be suspended or deposed & the way of their appoynting others to be fined & confined or incarcerated, & we must not distinguish where we have no ground: And therefore it is said more clearly in the former part of the commission, that they have power for the causes specified to *suspend deprive & excommunicate* & these words make the matter as clear as can be. 2. This court is raised of purpose to put the Acts of Parliament in execution, immediatly; for so sayeth the commission it self That *they are to use their outmost endeavour, that the Acts of Parliament and councell; For the peace and order of the Church.* &c. *Be put in vigour and in impartiall execution* Now as for this end they immediatly execute the lawes for fineing, confineing, &c. So have they power also immediatly to execute these lawes that are

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for suspending & deposeing of Ministers. 3. The end why this court was erected sheweth further that it is in part a Church judicature; For it was erected to keep the peace & order of the Church & the governement thereof by Archbishops & Bishops: & to punish such as presume to violat, contemne, & disobey the Ecclesiastick authority. 4. That which doth put the matter yet more out of doubt, is the *Basis* or ground on which this *High commission* is reared up, viz. *his Maj. prerogative royall, in all causes, and over all persones as well Ecclesiastick as civil:* Now if they looked upon this court, only as a civil court, haveing power to meddle only with civil punishments, his prerogative royall in causes civil had been a sufficient *Basis* for this. Therefore the expresse mentioning of his prerogative royall in *causes Ecclesiastick* putteth it beyond all debate, that they have proper Church power granted unto them, & so may immediatly depose & suspend, &c.

In the last place, Some may *object* against the arguments brought from the unlawfulnesse of Church men their taking upon them civil places; And say That though they will prove it unlawfull now for Ministers to take upon them such places; Yet they will not prove it unlawfull for any to compear before them when instaled in those places; More then it can be unlawfull to come before a judge who possiblie hath come't to the place, by unlawfull & indirect meanes: that is his fault, & others are not concerned therein: so here it is the prelates their fault to take upon them these places, & private persones are not so much concerned therein. *Ans.* There is a vaste difference, betwixt the prelates in this court, & other judges in other courts, though comeing to these places by indirect meanes; For. 1. These other courts & places of judicature are unquestionably lawfull; But the *High commission* is not a court so unquestionably lawfull. 2. Other courts are not affected, in the poynt of lawfulnesse or unlawfulnesse, by the quality of the persones: But it is otherwise here in the *High commission*, the very lawfulnesse of the court is questioned upon the account of the prelats being members thereof *sine qui-*

bus non. 3. These vices or indirect meanes, used by others for attaineing of such or such a place in a judicature, are for the most part secrete & not clear & undeyable or obvious unto all, But that which is objected against the prelats is notour to all who read the gospell, where they are expresly discharged by, Christ to meddle in such a manner with any civil place or power. & so. 4. That which is objected against the prelates is such a thing as affecteth the very person & incapacitateth him for the place, but in the other cases instanced, these vices affect only the manner of entry, but do not incapacitate the person, a man may be one fit enough for such or such a place in a judicature as to be a judge or a justice of peace or the like, though he use indirect meanes to come by the place; but the prelats as prelats (if so be they will be accounted Church officers) & because they are Church men, are uncapable of such a place, & therefore though it will not be unlawfull to acknowledge a judicature unquestionablie lawfull, notwithstanding of some secret corruption in the entry of him who is in possession of the place: Yet it will be unlawfull to acknowledge a judicature in it self questionable (at best) whether lawfull or not, when such persones are made constituent members thereof, yea & members *sine quibus non*, that by the expresse law of Christ are uncapable of such a place: and the acknowledging of this judicature cannot but be an approveing of that corruption; Because the very acknowledging of the judicature sayeth that the persons who are constituent members thereof, are really & legally capable of the place: as the compearing before & acknowledging of a court made up of mere civil persons having power to *try*, *ordaine*, *rebuke*, *depose* or *excommunicate* Ministers; should be an acknowledgeing of civil persons, their having Church power, contrare to the lawes of the gospell. Therefore the arguments brought from the unlawfulnesse of Church men taking upon them civil places, are still in force.

By those particulars, It is abundantly clear that that *high commission* court, is a most sinfull court, ven as to it's constitution, & how dangerous it is to compear before it, upon any account

count without a declinature, & how it is saifest to with draw & escape the snare that is laid there for catching of unwarry souls ere they be aware: See the learned *Voetius pol. eccles. pag.* 214. *quæst.* 2. & 216. *quæst.* 3.

Section XX.

The dreadfulness of the sin of covenant breaking particularly of abjureing the nationall Covenant & the solemne league & Covenant, manifested.

MAny sad particulars have been mentioned, which may occasion grief & sorrow unto all the people of God, yet there is one other which putteth on the copestone, & may deservedly make that land a gazeing-stock, & a hissing unto all nations round about, who may stand astonished, & wonder what is become of Covenanted *Scotland*: For it was not enough for the Parliament to condemne the Covenants, which were solemnely sworne, & subscribed by Parliament, & at their command by all ranckes of people in the land, & by the King himself as was showne in the 2. Section. But they formed a declaration, *Septembr* 5. 1662. which they ordained to be subscribed by [*all officers of State, members of Parliament, privy councellers, Lords of Session, Commissioners in the exchequer, members of the college of justice, Sheriffs, Stewards or commissaries, their deputies and clerkes, Magistrats and councells of Brughs, justices of peace, and their clerks, or any other who have publick charge, office, and trust within the Kingdom*] And by the subscribeing of this declaration they promise as followeth.

I ——— *do sincerly affirme and declare that I judge it unlawfull to subjects upon pretence of reformation, or any other pretence what soever to enter into leagues and Covenants, or to take*

up armes against the King, or those commissionated by him, and that all these gatherings, convocations, petitions, protestations, and erecting and keeping of Councell tables, that were used in the begining, and for carrying on of the late troubles, were unlawfull and seditious. And particularly that these oaths, whereof the one was commonly called, The nationall Covenant, (as it was sworne and explained in the yer 1638 and thereafter) and the other intituled A solemne league and Covenant: were and are in themselves unlawfull oaths, and were taken by, and imposed upon, the subjects of this Kingdom, against the fundamentall lawes, and liberties of the same. And that there lyeth, no obligation upon me, or any of the subjects, from the saids oaths, or either of them, to endeavour any change or alteration of the government, either in Church or State, as it is now established by the lawes of the Kingdom.

May not the heavens be astonished at this? And may not all the world wonder, that the only qualification necessary or qualification *sine qua non* of a Magistrate (who should be a man fearing God, & a Man of truth, &c. *Exod.* 18:21, 2 *Sam.* 23:3. *Neh.* 7:2, & 13:13. should be periury of the deepest dye? May it not be for a lamentation, that no other should be in a capacity to administrate justice, but such as are singular for unfaithfulnesse? *Cicero in offic*; *Lib.* 1. sayeth *the ground work of justice is faithfulnesse and truth, that is to say; constancy and truth in words and Actions*: and how can such execute justice betwixt man & man, & presse faithfulnesse in words & Actions, who are ringleaders in unfaithfulnesse themselves? How can they presse & force others to stand to their obligations & compacts, when themselves have broken all bonds, & declared themselves not obliged to stand to any obligation which they have made unto the great God of heaven & earth? What justice can be expected from them, who will make no conscience of their oath *de fideli administratione?* And how can it be expected that such shall make any conscience of their oath *de fideli administratione* who have already declared & avowed themselves perjured, & foresworne? For it is a presumption in law, that *qui semel malus semper malus in eodem genere.* How can such be judges in a

reformed

reformed land who would not be suffered to be judges amongst heathens? How can those be admitted as judges in *Scotland* whose oath according to the lawes & constant practique thereof, will not be admitted before any judge in a matter above Ten shillings money of *Scotland*? But oh how few is there found of all the Magistrats in the land, who have refused to subscribe this declaration! And how may this stand on record to the perpetuall infamy (the punishment assigned to perjured persons by the law of the 12. Tables) of this generation, that it did both sweare a Covenant with God, & now hath openly & avowedly anulled, cancelled, & broken the same, & thereby declared themselves to be the most infamous & perjured generation, that ever stepped upon ground: And a generation whose oaths, let be their words & promises, are no more to be regairded, then if they were all *Samnites*, with whom (as *Liv.* sayeth *Annal lib.* 9.) the *Romans* refused to enter in termes of peace, because of their frequent treacherous Actings: or *Carthaginians* of whom it is said that they were alwayes perjured: or *Cretians*, who are alwayes lyars, *Tit.* 1: 12. And what will binde such whom oaths will not binde? How fitly may that of *Iuvenal*, *Lib.* 5. *Satyr* 13. be applyed to this generation?

Sunt qui in fortunæ jam casibus omnia ponunt,
Et nullo credunt mundum rectore moveri;
Natura volvente vices & lucis & anni,
Atque ideo intrepidi quæcunque altaria tangunt,
Est alius metuens ne crimen pœna sequatur.
Hic putat esse deos, & pejerat, atque ita secum:
Decernat quodcunque volet, de corpore nostro,
Isis, &c.

The weight, on fortune, some lay, of each thing,
And think, no God, the world doth governe,
Nature alone, by runing round, doth bring
About both dayes, and years, hence they do learne,
To touch each altar without fear,
And boldly every thing to swear.

But others feare leſt plagues their guilt purſue,
Thinke there are Gods who punish will ſuch crimes;
Yet they 'll for ſweare (o ſuch a wicked crue,
Reſolving ſo to do at ſeverall times.
Let God decerne, with what deſeaſe
He will us punish, if he pleaſe.

And how many now are regairdleſſe of all oaths; to whom that of *juvenal, lib. 5. Sat. 13.* doth fitly quadrat.

Vt ſit magna tamen, certe lenta ira Deorum eſt,
Si curent igitur cunctos punire nocentes,
Quando ad me venient: Sed & exorabile Numen.
Fortaſſe experiar; Solet Hic ignoſcere, multi
Committunt eadem diverſo crimina fato;
Ille crucem ſceleris, pretium tulit hic diadema.

And that *Ibid.*

Tam facile & pronum eſt, ſuperos contemnere teſtes.

i. e.

Suppoſe it true that divine wrath be great
Its pace is ſlow, ſo will it come but late:
If it a truth be, that the Gods doe care,
To plague & punish all who guilty are,
How longe a time, I pray thee, may it be,
Before they come to reckon, & reach me?
Yea I may mercy find, God's exorable;
He uſeth to give pardons & is able,
It's often ſeen, that men doe perpetrate
The ſame vile crimes, & yet with diverſe fate;
One hath the gibbet for his crimes reward;
To others, crowns for crimes are oft prepar'd.
So bent are men now to defy,
Heavns-witnes; ev'n the Deity.

But moreover this oath muſt be preſſed on others beſide the perſons mentioned, by the privy councell, which hath power for this effect; & though already many (& alas too too many) have ſubſcribed this declaration, & thereby abjured their former oath & engagement, & ſo not only have brought infamy & diſgrace

disgrace upon themselves; but have also hainously provoked the Lord, to send a sword, which shall avenge the quarrell of his covenant, & the broad curse, which shall consume both the timber & the stones, of their houses: Others cannot be blamed for refusing to write after their copie, If these three things be considered. 1. How sinfull & hainous a crime it is to break these covenants. 2. What dreadfull judgments may be expected to follow upon the breach of covenant .&. 3. How weak the grounds are whereupon such goe as cry down the lawfulnesse & standing force of these covenants. The first of these, shall be spoken to, in this Section, & the rest in the following Sections.

The sinfulnsse then of this practice will appear; if these Tuelue particulars be considered, & laid to gether.

1. There is in the breach of these covenants, a clear breach of promise: All covenants are promises, & these covenants have in them a plaine & clear promise: Now a promise is *a rationall Act of a man* (as *Aquin.* sayeth 22 *a. Q.* 38, *Art.* 1.) *by which he declareth & ordereth his purposes to another*; And these are of two sorts. Either that which is called *Pollicitatio*, & this (as *Grotius* sayeth *de jur. bel & pac. Lib.* 2, *c*, 11, §. 3.) is when *the will doth determine it self for the time to come with a sufficient evidence shewing the necessitie of persevering* & this (as he addeth) doth either oblige simply or under a certane condition: Or else such as are full & compleat promises; Such as promises of giving & promises of doing, & in these. (as he sayeth *Ib.* §. 4. *Beside the determination there is also a signe of voluntary resigneing the right over unto another.* He further there proveth, That these promises do binde. 1. By shewing from scripture, viz. *Neh*, 9: 8. *Heb.* 4: 18, & 10: 23. 1 *Cor.* 10: 13. 1 *Thes.* 5; 14. 2 *Thes.* 3: 3. 2 *Tim.* 2: 13. How God who is above all law shoud yet do contrary to his nature, if he should not keep his promises. 2. By that passage of *Salomon Pov.* 6: 1. *My son if thou be surety for thy friend, if thou hast stricken thine hand with a stranger then art thou snared with the words of thy mouth, thou are taken with the words of thy mouth.* So that pomises are strong bondes & ought to be keeped: hence that.

Verba

Verba ligant homines Taurorum cornua funes;
Buls by their horns, men binde with cords;
Men use to be bound by their words,

A heathen could say of a promise made to another. *Vox mea facta tua est. Ovid. 2. Metamor.* And heathens made much of their promises. Yea it is said of some that they refused to sweare any oath, because that would have imported that their bare word & promise, was not be to rested on, as securitie enough. Thus the *Scythians*, (as *Grotius* sayeth *de jure bell. & Pac. Lib. 2: c. 13. §. 21.*) refused to sweare to *Alexander*, & told him that *colendo fidem jurant*, They sweare by valueing their promise. So when at *Athens* a grave person came to give his oath at the altar all the judges cryed out that they would not suffer it to be done *eo quod nollent religione videri, potius quam veritate fidem esse constrictam. Spurius posthumus* In his speach before the *Senate* (as *Liv.* sheweth *Lib. 9.*) sayeth that promises no lesse then covenants, are religiously regarded by all, *apud quos juxta divinas religiones fides humana colitur.* when *C. Licinius* & *L. Sixtus*, two *Tribunes*, were making some overtures tending to the advantage of the people, one whereof was, that in payment of debts, all that which had been payed in usurie should be allowed in the first place: *Claudius Crassus* one of the *Patricij* had an oration to disswade the people therefrom, shewing them how that by this meanes, all faith & trust should be banished, & consequently all humane society should be destroyed: see *Liv. Lib. 6.* The *Romans* have been famous for keeping their publick faith, hence in all their straites the people did lend money most willingly unto the *Senat*, not knowing how it could be better secured: (*Liv. Lib. 25.*) And therefore they honoured their publick faith as a *Goddesse* & had a solemne place appoynted for her, in which place all their articles of peace & covenants were sworne, *ut ejus, qui ea violaret, sacrum diis inferis, caput esset* (see *Liv.* hist *Lib. 1. & Lib. 24.*) Yea so much did they esteem of their faith, that they did not think it enough, not to do any thing contrarie thereunto; But they would not suffer others to do any thing which might seem to reflect on them, & their faithfulnesse; & therefore (as *Liv.* shew-

sheweth *Lib.* 28. when *Hannibal* had over thrown *Saguntum* a citie in *Spaine*, which had befriended the Roman interest, they thought it their dutie to recover that citie out of the hands of *Hannibal*, & did so. Memorable is the storie of *Fabius* the dictator, mentioned by *Liv. Lib.* 22. who (when *Hannibal* was wasteing *Italie*, & had spared a piece of ground that appertained unto him, of purpose to make the report goe that he had complyed with him) seeing his fidelity thus in hazard to be questioned, sent his sone to *Rome* to sell that piece of ground, & with the money thereof he payed what he had promised for the relief of some captives, upon the publick faith; & thus *fidem publicam privato impendio exsolvit.* When *Jugurtha* King of *Numidia* had killed the two Grand children of *Masanissa* that he might possesse the whole Kingdome. The *Romans* called *jugurtha* to answere for this fact & secured him in coming by their publick faith, & because of the saife conduct which they had promised, they sent him away saife notwithstanding that he had owned the wickednesse done by *Bomilcar* his companion, And had conveyed him away quietly: See *Salust. in jugurth.* It is memorable also that when *Scipio* was warring in *Africa* against the *Carthaginians*, there was a truce concluded, & the *Carthaginians* sent some ambassadours to *Rome*, to treat for a peace, & in the mean time *Asdrubal* taketh 230 of the Roman ships which had been driven from the fleet by storme, & when the ambassadours that came from *Scipio* upon the report of this, were come, to *Carthage* they also were in humanely used & hardly escaped; & notwithstanding of all this breach of truce, & breach of the law of nations; the *Romans* because of their publick faith sent away the Carthaginian Ambassadours saife (See *Liv. Lib.* 32.) So was it their publick faith which freed *Hanno* a commander of the Carthaginian forces, notwithstanding that the *Carthaginians* had put *Cornelius Asina* a *consul* in chaines, contrare to their faith & promise. Many such instances might be given, but these may suffice to make such as call themselves Christians to blush, when they see how far they are out striped by such as had no rule to walk by, but the dimme letters of natures light. How may those religious

religious heathens, (if they may be so called, being compared with the more then heathenish Christians) have hissed *Machiavel* out of their common-wealth, & banished him their society, as fitter to live among beasts, with his beastly overtours, then among men; Seing they tend in effect to turne men into bruits; For if no faith or promise be keeped, all humane society shall be broken up, & there must be no trafficque, no barganeing, but men must be left at liberty, to run & roave abroad, as the wilde beasts of the field, to catch what they can have. Memorable is that which *Buch.* hist. lib. 9. relateth of the borderers in *Scotland* who thought so much of the breach of a promise that they would not eat nor speak with such as broke promise, nor suffer him to come into their houses, & for his disgrace they stucke up a glove upon a pole or a spear & carryed it about in their publicke meetings.

2. There is in the breach of those covenants, a clear breach of an oath. The covenants are sworne covenants, & so the breach thereof is the breach of an oath, & this is no small sin. Heathens acknowledged a great bindeing force in oaths: hence *Cicero de offic. lib.* 3. sayeth, *That an oath is a religious affirmation, & what is promised, God being witnesse, should be performed.* & againe, *He who violateth his oath violateth this faith.* & againe *our fore-fathers, would have no bonde straiter then that of an oath, as the lawes in the* 12. *tables shew, and their covenants whereby they did binde themselves even to their enemies and the observations of their censores, who took notice of nothing more then of peoples keeping their oaths.* An high account then have even heathens had of their oaths: Yea *Livy* sayeth that faithfull promises are sufficient to rule a city though there were no lawes nor Magistrats. Memorable is the story of *Regulus* who being taken captive by the *Carthaginians*, having given his oath either to returne to *Carthage*, a prisoner, or procure in his place the liberation of some of the *Carthaginians* then prisoners at *Rome*, gote liberty to goe to *Rome* & when he came thither, It was not found honourable for the people of *Rome* to render back any captives, yea himself (though he would not vote, as a member of the *Senate* affirming that as long as he was und-

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r the oth of the enemy he was not a free senator) disswaded them rom rendering up any captives, because such as they had among heir hands, were able & eminent commanders of the Carthaginian forces, & himself was but an old broken man & altogether useless. When the Senat had thus resolved, Though ie had many strong temptations to break his oath, as the offer of liberty to stay at home in his own countrey, with his own dear family, & to enjoy the honour & privileges of a nember of the senate: & upon the other hand the thoughts of his cruell & bloody enemies, & their notoriousnesse in perfidy; Yet for all this, conforme to his oath, he returned, & rendered himself their prisoner; and when he did so (sayeth *Cicero de offic. lib. 3.*) *his case was better then if he had stayed at home a perjured old captived Senator.* And *Cicero* when he is againe speaking of this same businesse sayeth that *he could do no otherwise then, when nothing was accounted surer then an oath:* And upon this account is it that this *Regulus* is so praised by *Silius lit.* as *Grotius* sheweth *de jur bel. & pac.* lib. 2. c. 13. § 16.

Qui longum semper fama gliscente per ævum,
Infidis servasse fidem memorabere Poenis.

Through ages all increas'd shall be,
Thy spreading fame & memory,
Whom all the terrours fierce of death,
To *Punicks* made not break thy faith.

Memorable also is that passage of *Pomponius* the *Tribun*, who when *Titus* (afterward *Tarquatus*) son to *Manlius*, came in upon him early in the morning while he was in bed, & drawing his sword, swore that he would presently kill him, unlesse he would give his oath, to let his father goe free (against whom there was an action intended) having given his oath thus out of fear, resolved to keepe it, & therefore according to his oath he letteth *Manlius* goe free *tantum illis temporibus jusjurandum valebat oaths were in such an account in those dayes*, (sayeth *Cicero ubi supra*) Memorable also is the story of those whom *Hannibal* took cap-

caprive,& sent to the *Senat* upon oath to returne unlesse the *Senat* would liberat some of his commanders, & when the *Senat* refused to do this (for they would redeem no capitives, though they might do it, at never so easie a rate, that their souldiers might resolve either to die or to overcome) they returned according to their oath, & rendered themselves prisoners, but which is most remarkable, there was one among them, who after he had given his oath, & was coming away with the rest returneth into the enemies campe, a little, as if he had forgotten some things, thinking, by this meanes, to free himself of his oath, & so when the rest returned to *Carthage*, he stayed: But the *Senat* getting notice of the matter, took him, & sent him bound hand & foot unto *Hannibal*: & upon this sayeth *Cicero* relating this matter *ubi supra*, *fraus distringit, non dissolvit perjurium*; *fuit igitur stulta calliditas perverse imitata prudentiam*, all his wiles could not help him out. It is reported of *Nerva*. That when he was made Emperour to give a proof of his Mederation, he swore that none of the Senate should be killed by his command, which was very acceptable because *Domitian* a little before had caused execute severall of them upon small occasions: And such respect had he unto this oath that when severall of the senators had conspired against him, he spared them, because of his oath (see *Dion:* in *Nerva*) Now shall heathens who had no more but the dimme star-light of nature make so much of oaths, & shall Christians tramplethem under foot? When there is no greater security imaginable betuixt person & person, & betuixt nation & nation; Nor no other way for ending of controversies, for secureing peace, & mutuall fellowship, but an oath; shall Christians make no conscience of these bonds, though the law of nature, & the law of nations, cannot imagine a bonde beyond that? It was a foule staine upon King *James.2.* To kill *William Earle of douglas* in the castle of Sterlin after he with some nobles present had assured the said Earle of his life by their subsciptions, & it did so irritat the Earles friends; that they took the publick write & put it upon a board, & tyed it unto a horse taile, dragging it thorow the streets; & when they came to the market place they

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roclamed both the *King* & the *nobles perjured covenant breakers*, nd thereafter when *Iames* the *Earle's* brother had rebelled a-ainst the *King*, he was desired to submit; but he answered that *e would never put himself in their reverence, who had no regaird shame, nor to the lawes of God or man, and who had so perfidiously and treacherously killed his brother and his cusines.* Yea shall Christians, not only goe beyond the law of nations & suffer eathens to out-stripe them in that which natures light doth dictat: But will they also break all the barrs of the Lord's expresse word, & cast the cords of oaths behinde their backs, after hat the Lord hath so often commanded the contrary. Scripture, is clear for peoples standing to their oaths which they have worn in the Lord. They are to swear *in truth, in judgment nd righteousnesse*, *Ier.* 4: 2. They must *not take the name of he Lord in vaine*, Which if done at all, is done by fore swearing, or swearing falsly. It is the qualification of one who is to inherite heaven *Psal.* 15. That *though he swear to his own hurt he will not change.* Such false sweareing is expresly against the minde of *God* as these scriptures do cleare, *Levit.* 6: 3. & 19: *v.* 12. *Numb.* 30: 2. *Ier.* 5: 2. & 7; 9. *Ezek.* 16: 59. & 17: 16, 17, 18. *Hos.* 10: 14. *Zech.* 5; 3, 4. & 8: 17. *Mal.* 3: 5. Many precedents in scripture cleare it to be duty to stand to oaths: As these *Gen*, 21: 31. & 24: 9. & 25, 33. & 26, 31. & 31, 53. & 47, 31. compared with *Cap.* 50, 5. So *Gen.* 50: 25. compared with *Exod.* 13: 19. *Iosua* 2: 12. comp: with *Cap.* 6: 22. So *Ios.* 9: 15, 20. 1 *Sam.* 24: 21, 22. 2 *Sam.* 19: 23. compared with, 1 *King.* 2: 8. 1 *Sam.* 20: 17. compared with, 2 *Sam.* 21: 7. 1 *Sam.* 30: 15. 1 *King.* 1: 13, 30. *Neh.* 5: 12. Now shall Christians make no more of all these, then *Sampson* did of the new ropes? Shall neither law of nature, law of nations, nor yet the law of God be of any binding force? If so, they declare themselves not only to be no Christians, But to be no men. Sure then it must be a hainous iniquity for any who are engaged in this Covenant, to cast it behinde their heels, & contradict what they have there sworne. It is a great sin to break a promise, but it is a greater sin to break an oath; becaus an oath is a greater ground of security, & in an oath the dreadfull name

of *God* is invocated to atteſt the ſincerity of the promiſes & purpoſes of the promiſers & this maketh the obligation ſtronger, & ſo the breach of this bond muſt be the ſader.

3. There is in this, a clear breach of a vow, for in theſe covenants there is a promiſe made unto God, & that is a vow. Now the obligation of a vow, is no leſſe then the obligation of an oath; For in every vow there is an implicit calling of God to witneſſe, & a vow is of the like nature with a promiſſory oath, & ſo should be performed with the like faithfulneſſe (ſayeth the confeſſion of faith, at *Weſtminſter cap.* 22. *Sect.* 5.) That lawfull vowes ought to be obſerved with all carefulneſſe, many both precepts & precedents in ſcripture do cleare as *Num.* 30: *v.* 2, 4, 8. 1 *Sam.* 1:21, *Deut.* 12:11. & 23:21, 23. *Pſ.* 76: *v.* 11. *Eccleſ.* 5:4, 5. *Gen.* 28: 20. *Numb.* 6:21. & 21:2. *Iudg.* 11:30. compared with, *Levit.* 27:28, 29, Pſ. 132:2. & 22:25. & 56:12. & 61:5. *Prov.* 20:25. *Iſa.* 19:11. *Iona.* 1:16. & 2:9. *Nah.* 1:15. So then the ſin of violating theſe oaths or covenants, being likewiſe the violation of a ſolemne vow, made unto the Lord, after which it is not lawfull ſo much as to make inquirie, muſt be great.

4. There is in this, a clear breach of a Covenant made with man, for in the *league and covenant*, The *King*, the *Parl.* & the *people* of the three Kingdomes, do mutually covenante each with other, for the performance of thoſe things which do concerne them in their ſeverall ſtations, either as to the work of reformation, or as to the preſervation of each others mutuall rights & privileges. *King and Parliament* do Covenante to preſerve the *peoples liberties*: *King* and *people* Covenante to preſerve the privileges *of Parliament*: *Parliament*, & *people* Covenante to preſerve his Maj. *perſon honour* & *authority*. And all the people ſtipulat & engadge each to other; ſo that here without all doubt, there muſt be a clear breach of a Covenant, and this muſt be a grievous ſin; for very heathens looked upon the breach of a Covenant as a hainous & uncouth thing, & did abhominat the ſame. Hence *Collicrates* did diſſwade the *Achæans* from hearkening to *Perſeus* the King of *Macedon* who intending warre againſt the Romans, was ſeeking to make peace with them:

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Becauſe it would be a breach of the Covenant which they had made with the *Romans:* ſee *Liv. lib.* 41. To break Covenant is a ſin againſt the law & light of nature, & ſo condemned amongſt very heathens *Rom.* 1: 30. & for which the Lord gave them up to a reprobat minde, v 28. The obligation of a Covenant is the higheſt aſſurance; & greateſt ground of ſecurity that natures light could finde out; betwixt nation & nation, or betwixt man & man, in matters of greateſt concernment: And this ground of aſſurance is generally reſted on, by all, unleſſe they have to do with a *Hannibal*, or with the *Samnites*, whom no Covenant could binde. Hence is that ſaying *fides ſupremum rerum humanarum vinculum eſt*] *faith is the higheſt aſſurance in humane matters.* It is ſpoken to the diſhonour of *Philip* King of *Macedon*] *that none could call him a good King, becauſe that uſually he deſpiſed oaths, and broke his promiſe upon any light occaſion, ſo that no mans promiſe was leſſe eſteemed of*] & of *Hannibal* [*that in warring againſt* Rome *he did wadge warre more againſt his owne faith and promiſe; and rejoyceing in lyes and deceit, as ſo many excellent arts, he reſolved to leave behinde him a notable memory, of himſelf, but ſo as it ſhould be uncertane, whether as of a good man, or of an evil man.*] The *Trojans* accuſe themſelves of this iniquity *apud Homer*: As rendered by one, thus.

Rumpentes fœdera ſacra:
Juratamq́; fidem pugnamus, non quibus eſt fas.

Who ſacred leagues annihilate,
Their faith though ſworne do violate,
'Gainſt thoſe on whoſe ſide ſtands no right
We do & may with courage fight.

Yea it is reported that the *Romans* would not break Covenant even to ſuch as had broken unto them, & therefore when *Sergius Galba* would have cut off 7000 of the *Luſitanians* who had broken Covenant, in a moſt perfidious way; he is accuſed by *Libo* a tribun of the people for wounding the honour of the *Romans* in recompenſing perfidiouſneſſe with perfidiouſneſſe

& sayeth *Appianus* [*perfidia perfidiam ultus, contra Romanam dignitatem, barbaros imitabatur*] It was a great evidence of baseneſſe in the *Saxons* when the *pickes* refuſed to make any Covenants with them, becauſe that with them, Covenants, which with others were the ſureſt bond of friendſhipe, were but ſnares for the ſimple. So *Buchan in vit. Gorani.* So that natures light teacheth the obligation of Covenants to be inviolable. And alſo the light of the ſcriptures teacheth the ſame, *Ioſ.* 9:19. *Neh.* 9:38. 2 *King.* 11:17. *Ezek.* 17. throughout, *Ier.* 34:18. &c, *Gen.* 21:27. 1 *Sam.* 18:3. & 20,16. *Gen.* 31:36. & 44, 49,50,52. *Neh.* 5:11,12. 1 *King* 5:12. & 20,34.

5. There is in this, a breach of Covenants whoſe tye & obligation is ſacred, & religious: of Covenants which God will owne as his, he being called to witneſſe therein, by an oath, which was interpoſed. All Covenants confirmed with an oath, whatever the things be, religious or civill, concerning which, they are made, are owned of God as his (hence the Covenant betwixt *David* & *Ionathan* is called *the Covenant of the Lord*, 1 *Sam.* 20:8.) & upon this account the violating of thoſe ſworne Covenants muſt be a hainous & great tranſgreſſion, & therefore *Zedekiahs* fault in breaking his Covenant with the King of *Babilon*, is aggraiged upon this ſcore, *Ezek.* 17:19. & ſore judgments are threatened therefore [*Therefore thus ſayeth the Lord God, as I live, ſurely mine oath that he hath deſpiſed, and my Covenant that he hath broken, even it will I recompenſe upon his owne head*] The oath is called *God's oath*, & the Covenant *God's Covenant*, which v. 16. is called the *King of Babilon his oath*, & *his Covenant*: And upon this account the ſin is aggraiged & he is the more aſſured of judgments, becauſe of his breach of this Covenant. So likewiſe that Covenant mentioned, *Ier.* 34:8,9,10. wherein the princes & the people did ſweare to let their Hebrew ſervants goe free, is called *God's Covenant* v. 18. & upon this account ſorer judgments are threatened v. 19,20. *And I will give the men that have tranſgreſſed my Covenant, which have not performed the words of the Covenant, which they had made before me -- into the hand of their enemies.* So then the breach of this Covenant, which was ſworn with hands

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lifted up to the most high God, & in an eminent way, before the Lord, must be the breach of a Covenant which God will owne as his Covenant & as his oath, & therefore the greater sin.

6. It will be the breach of Covenants made with *God*, for they containe a vow & a promise confirmed with an oath, made for doing of such things, as God commandeth in his word, & therefora greater sin; for Covenants made with *God* should be more bindeing & inviolable then Covenants betwixt man & man; For in Covenants betwixt man & man, there may be dispensations in, & remissions of the obligation: & moreover the ground of those Covenants may faile. Now none can either dispense with, or grant remissions in, the matters of God. Moreover Covenants made with God, are more absolute, & lesse clogged with conditions, & so more obligeing. And therefore the sin of breaking such covenant, must be the greater; & all may be sure that God shall avenge the quarrell of these Covenants, which are his owne, he being in them, not only judge & witnesse, but also *altera pars contrakens, the party with whom the Covenant is made Lev.* 26: 15, 16, 17, 25.

7. It will be the breach of Covenants, made with God about morall duties. It is a morall duty to abjure all the poynts of popery, which was done in the nationall Covenant: & it is a morall duty to endeavour our own reformation, & the reformation of the Church, which was sworne to, in both Covenants: It is a morall duty, to endeavour the reformation of *England* & *Irland*, in doctrine, worshipe, discipline and Government, which was sworne to in the league & Covenant: It is a morall duty to purge out all unlawfull officers out of God's house, & to endeavour the extirpation of heresy & schisme, & whatsoever is contrary to sound doctrine, which was sworne to there also. It is a morall duty to do what God had commanded towards superiours, inferiours & equalls; which by the league & Covenant, all were bound unto: And therefore the Covevenants are strongly obligeing, being more absolute then other cov: becaus they binde *& vi materiæ & vi sanctionis*, both by reason of the matter, & by reason of the oath, & so are perpetuall *Ier.* 50: 5. And therefore a breach of these must be a

greater fault then the breach of such Covenants, as are about things not morally evil, which only binde *vi sanctionis*, & so it is beyond all doubt that the breach of these Covenants is a most hainous & crying sin.

8. It will be a breach of such Covenants as are so framed as that they cannot be made void though they should be broken, buried & forgotten; Because they are Covenants, about morall, & indispensable duties, & such duties upon which dependeth the glory of God, the advancement of the Kingdome of our Lord & saviour Jesus Christ; The honour & happinesse of the King's Majesty, & his posterity, & the true, publick liberty, saifty & peace of the Kingdomes, & the good of posterity in all time coming, & the Lord's being one, & his name one in all the three Kingdomes: And so the transgessing of such Covenants must be a greater fault, then the breach of such, which are of that nature, as to be made void after some period of time, or after a failzy by the one party. Therefore seing, those Covenants must binde, though all had broken them, & brunt them, also, so long as life lasteth; It must be a hainous crime to break them.

9. It will be a breach of Covenants reall & hereditary, such as reach not only the persons themselves entering into Covenant, but likewise their posterity, like that betwixt *David* & *Ionathan*, 2. *Sam.* 9:7. & 21:7. & that betwixt *Iosua* & the *Gibeonites*: & that mentioned, *Deut.* 29:14, 15. For this Covenant is of that nature as shall appear, if that which *Grotius de jur. bel. & pac. lib.* 2. *c.* 16. §. 16. Sayeth concerning these Covenants, be considered; where he giveth this as one evidence of such Covenants, viz. *When the subject is of a permanent nature* & addeth *albeit the state of a commonwealth be changed into a Kingdome*, *the Covenant must binde* quia manet idem corpus, etsi mutato capite *though the head be changed*, *the body of the commonwealth is the same.* And againe he sayeth, as *giving* another evidence of such Covenants. *When there is such a clause in the Covenant as that it should be perpetuall*, *or when it is such as is made for the good of the* Kingdome & addeth, *When neither matter nor expressions can certanely determine, then* favora-

bi-

biliora creduntur esse realia *the most favourable & advantagious are reall Covenants.* So that by these marks & evidences, it is clear, that these Covenants are reall Covenants, obligeing not only them but also their posterity; for. 1. The subject or the person, who did first enter into this Covenant; was the body or universality of the people themselves, & then their Parliaments in their Parliamentary capacity, like the oath of *Iosua* & the princes which did binde the people in all time coming, notwithstanding of what they might have said for themselves, as not owneing the same, but murmureing against it. Yea the *King* in his princely capacity sitting on his throne, with the crowne on his head, in the day of his solemne inauguration: & this though there were no more, will make it a reall Covenant, binding the people according to that, *imperator fœdus percussit, videtur populus percussisse Romanus.* As King *Zedekiah's* oath to the King of *Babilon*, did oblige the people: Now then seing where either the body of a land, their Parliaments, or their prince, in their severall capacities, do Covenante; the Covenant becometh reall & perpetually obligeing; much more must it be so, where all these three are, & so these oaths being Regall oaths, Parliamentary oaths, & nationall oaths & covenants, they must be covenants perpetually obligeing; so that as long as *Scotland* hath a *King* or a *Parliament*; Yea though there should be none of those, this obligation would stand, because *mutato capite*, *maneret idem corpus:* The subject would be permanent, & therefore the faith of *Scotland*, being Engaged: so long as *Scotland* is *Scotland*, the Engagement standeth & will not be dissolved. The faith of the *Medes* being Engaged, made it fare the better with their tributary cities, even after the *Medes* did obtaine the Empire, & had their state changed. So the publict faith of *Scotland* being Engaged by all persons in all capacities, as long as there are any scotish men to succeed in those capacities the obligation standeth. 2. Consider the very expressions of the covenant & the end thereof & it shall appear to be perpetuall, reall & publick: in the preface, there are these words *having before our eyes the glory of God, the advancement of the* Kingdom *of* Or *our Lord & Savi-*

our Iesus Christ, the honour & happinesse of the King's Maj. & his posteritie, & the true publick liberty, saifrie & peace of the Kingdoms, wherein every ones privat condition is included, sure all this is a publick good, & a publick nationall good, to be endeavoured by the Kingdom of *Scotland* in all future generations: & againe it is added (*for preservation of our selves & our religion, from utter ruine & destruction.* So in the first article there are these words. *That we & our posterity after us, may as brethren live in faith & love, & the Lord may delight to dwell in the middest of us.* And in the second article there are these words. *That the Lord may be one & his name one in the three Kingdomes*: & in the fift article there are these words *we shall each one of us according to our place & interest endeavour that these Kingdomes may remaine conjoyned in a firme peace and union to all posterity.* So that it is beyond all question, that the scope & intent of the covenant is publick & nationall. 3. Consider the matter of the covenant & this will yet further appear: The very matter sheweth this, for as was said, it is about morall duties; & so, though it were true that *juramenti obligatio personam tantum obstringeret*: Yet *ipsa promissio haeredes obligaret* for *in ipsa promissione satis est efficacia* such a promissorie oath is of force to binde the posteritie. So then this being a publick, reall, nationall, covenant, It must be a hainous offence to transgresse it, & such an offence, as their posteritie after them, were bound to mourn for, when they renewed (as they were bound in conscience to do) the same, after the example of those mentioned *Ezra. 9*: & 10. & *Neh. 9*: & 10.

10. It will be the breach, of covenants obligeing perpetually, by the very persons who did solemnely sweare & enter into these covenants. This cannot but be a great aggravation of this crime. If it would be a sin for their posteritie some hundereds of yeers after this, to transgresse these covenants, will it not be a greater sin for them, to break them, in their own dayes? How unspeakably hainous must it be that the very persons who lifted up their hands & swore as they should answere to God in the great day, do run counter their own oath, & transgresse

greſſe that Covenant? Was it ſo great a ſin for *Saul* to break that Covenant made with the *Gibeonits* as did provoke the Lord to ſend Three yeers famine, & his anger to burne ſore againſt the land, till Seven of *Saul's* poſteritie were hanged up before the ſun, when this was Three hundered yeers, or more, after the Covenant was made, would it not have been a greater ſin if in *Ioſua's* dayes, he & the very princes who made the Covenant had broken it? Sure the poſteritie after ſome hundereds of yeers might have ſaid more for themſelves, & have pretended ignorance or forgetfulneſſe of the thing, or ſome one thing or other, which, for ſhame, the ſelf ſame perſons who entered into Covenant could not once mention: So then it is beyond all queſtion, that this doth aggraige the guilt of this generation, that it is the ſame generation (for the moſt part) which did ſweare theſe Covenants that doth now break them; ſeing they cannot yet be ignorant or forgetfull of the many evident demonſtrations which God gave of his owneing of theſe Covenants both at the ſwearing of them & afterward, ſo long as people made any conſcience of ſtanding by them.

11. It would be the breach of Covenants ſworne with the greateſt ſolemnities imaginable: whether or not that be true *That quanto creſcunt &c. as the ſolemnities do grow ſo groweth the oath*: Shall not be now debated, though it ſeem a truth that *ſolenne juramentum non magis obligat ex ſe & naturâ ſuâ quàm ſimplex, that an oath accompanied with ſolemnities hath no ſtronger obligation of it ſelf, and in its own nature, then a ſimple oath wanting ſuch ſolemnities*: Yet as *Doct. Sanderſ.* ſayeth *de jur. Prom. obl. Prel.* 5: §. 12. *The ſolemnities of the oath do aggraige the ſin of perjurie neceſſaryly and inſeparably* for which he giveth two reaſons. 1. *Becauſe of the greater deliberation; for theſe externall rites & ſolemnities are uſed of purpoſe to ſtrike into the minde a greater reverence of the Action and a greater ſenſe of religion, that ſo the man might gee about the Action with greater attention, & deliberation, and every ſin* cæteris paribus, *is the greater that it is done againſt a deliberat Act of the will.* 2. *Becauſe of the greater ſcandall for the more ſolemnely any thing be*

done it is the more observed, & by moe, & therefore the scandal is the more notorious & pernicious. Scripture is likewise clear so this, as may be seen, *Ezek.* 17. where the perjurie of that King is aggravated from this, among other things: v. 18. *when lo he had given the hand.* that is, when he had solemnely engadged himself, by this rite & ceremony of giving his hand. So *Jer.* 34: 19. when the sin of the breach of Covenant is spoken of, this is mentioned that *they passed between the parts of the calfe*, a rite used in making of solemne Covenants it was to have some beast or other divided in two, & the Covenanters were to passe thorow betwixt these parts. And therefore the breach of those Covenants must be a horrible provocation; for in them, they gave, as it were, their hand to God, when they lifted it up & swore: & what more solemnity can be used about the making of a Covenant then was used at the making of these? was there not here, as may appear to any who will but look back to what is said upon this subject in the second Section, *a swearing unto the* Lord *with a loud voice & with shouting and with trumpets and with cornets*? (as it were) as 2 *Chron.* 15:14. The transgressing of those Covenants must then be a sin unparallelable.

12. Adde to these. That it would be the breach of such Covenants against which there is no just exception why they are not of bindeing force; and this shall be made to appear in the 22 & 23 Sections following: And this will further aggravat the hainousnesse of this sin of breaking these Covenants.

SEC-

SECTION XXI.

The great & dreadfull hazard of perjury, or Covenant breaking, is demonstrated.

HAving shown how sinfull & hainous a crime it is to break Covenant, It followeth in the next place, that it be shown how God's curse & wrath cannot but be expected to follow the breach of Covenants. (though *Machiavell* would make his admirers beleeve that such as broke Covenants did prosper thereby.) Very heathens can preach forth this doctrine. That God will be avenged on false and perfidious Covenant breakers. *Hesiodus* speaking of oaths said, as *Claudian* translateth him.

Clades mortalibus unde
Adveniunt? quoties fallaci pectore jurant
Whence may not men destruction feare:
Who with deceitfull hearts do sweare.

Cicero pro Roscio Comoedo sayeth [*whatsoever punishment is appoynted by the immortall Gods unto perjured persons, the same is appoynted unto lyars, for The Gods are wroth for the perfidy and malice whereby snares are laid for others in these covenants* and againe in his book *de legibus*, Llb. 2. he sayeth *that the punishment with which God punisheth perjury is destruction, and man punisheth it with disgrace.*] And *Hesiod*, as paraphrased by *Claudian*, sayeth.

In prolem dilata ruunt perjuria patris
Et poenam merito filius ore legit,
Et quas fallacis collegit lingua parentis
Has eadem nati lingua refundit opes.
Though perjuries God doth not visite
On parents; but them long do'th spaire:

The

The children sure shall them inherite
Their punishments deferred beare,
Parents false tongues do riches gain
Children them vomite up againe.

Homer Iliad. 4. Sheweth how *Agamemnon* inveigheth against the perjury of the *Trojans* thus, as he is paraphrased by one.

Etsi perjuros violato foedere Troas
Jupiter e cœlis præsenti haud puniat ira
At quandoq; graves magno cum fœnore poenas
Hi cum conjugibus tum tota stirpe rependent,

Though perjur'd *Trojans* Covenant who breake
Jov' doth not plague from heav'n, with present ire:
Yet sometime shall he on them vengeance take
Pay them & theirs, with increase of their hyre.

And againe *ibid.*

contemni numen olympi
Haud impune sinunt Superi; scelera impia quanquam
Dissulerunt; culpas hominum graviora morantur
Supplicia *i. e.*

The Gods they do not passe unpunish'd those
Who with contempt, the heavenly pow'rs oppose:
Deserved punishments, though they delay,
For greater crimes, plagues greater waiting stay.

And *Juvenall* could say that such should not escape sore punishment, *Lib.* 5. *Satyr* 13.

Nullane perjuri capitis, fraudisque nefandæ
Poena erit? abreptum crede hunc graviore catena
Protinus; & nostro (*quid plus velit ira*) *necari*
Arbitrio, *i. e.*

Shall to a false & perjur'd head
Of fraud & treachery all made,
No punishment appoynted be?
Beleeve me thou may'st this man see
In weighty chaines & fetters bound;
In triumph led, cast to the ground

Then

Then have him kill'd at will & pleasure
Can all our wrath wish harder measure?

Hence their fictions of *Iupiter's* fountane of *Tyana*: the waters in *Sardinia* & *Bythynia*; & the *Acadine* wel, which had everall malignant influences upon perfidious persons, all speaking out what judgments they expected should follow the perfidious breach of Covenants. This same is held forth by their way of Entering into Covenant, such as their throwing away a stone, & saying *per jovem lapidem* thereby imprecating (and so expecting) that if they did wittingly & willingly break that Covenant *Iupiter* might cast them away, as that stone was cast away: And their throwing of pieces of red hote iron into the sea, did import that they expected the Gods might & would so extinguish Covenant breakers: So also their wishing that God wold so strike the Covenant breakers as the publick officer did strik or cut the beast, as *Liv.* hath it *Lib. 9.* sheweth what they did look for, if they did break the Covenant.

Beside that wich natures light might teach Christians to expect from God as the due punishment of Covenant breakers, Scripture doth plainly hold forth that Covenant breakers shall not escape the judgment of God. *He will not hold them guiltlesse that take his name in vaine.* The judgment which followed the perfidie of *Saul* in breaking the Covenant which was made with the *Gibeonites*, some hundereds of yeers after it was made, may make Christians to tremble. So these sad threatnings against *Zedekiah*, *Ezek.* 17: 15, 16, 17, 19, 20. „ Shall he prosper? shall he escape, that doth such things? Or „ shall he break the Covenant & be delivered? as I live, say „ eth the Lord, in the place where the King dwelleth that made „ him King —— he shall die —— he shall not escape. „ Therefore thus sayeth the Lord God, as I live surely mine „ oath that he hath despised, & my Covenant that he hath „ broken, even it will I recompense upon his own head, & „ I will spread my net upon him, & he shall be taken in my „ snare, & I will bring him to Babilon & will plead with him „ there. Such as break their Covenant & are bloody & deceit-

„ full

„ full men shall be brought down into the pit of destruction,
„ & shall not live out half their dayes; Psal. 55: 20. Compared with, v. 23. That is a dreadfull word, Neh. 5: 13. Also
„ I shoke my lap & said, so God shake out every man from his
„ house, & from his labour, that performeth not this promise.
„ even thus be he shaken out & emptied. Covenant breakers need expect no lesse then to be shaken out of God's house, for the *Man that shall ascend into the hill of the* Lord is that man *who hath not sworne deceitfully*, *Ps.* 24: 3, 4. And he that *shall abide in the tabernacle of God*, is the man *who though he sweare to his own hurt, yet he changeth not*, Psalm 15: 1, 4. That is a dreadfull word; *Zech.* 5: 2, 4. [„ the flying
„ roll, the length whereof is Twenty cubites, & the breadth
„ thereof Ten cubites —— shall enter into the house of him
„ that sweareth falsly, & shall remaine in the midst of his
„ house, & shall consume it, with the timber thereof, & the
„ stones thereof.] And *Ier.* 34: 17. — [„ behold I proclame a
„ liberty for you sayeth the Lord, to the sword, to the pestilence,
„ & to the famine, & will I make you to be removed into all the
„ Kingdomes of the earth. *v.* 12. And I will give the men that
„ have transgressed my Covenant ——— which they have
„ made before me, when they cut the calfe in twaine & passed be-
„ tween the parts thereof. *v.* 20. I will even give them into the
„ hand of their enemies & into the hand of them that seek their
„ life, & their dead bodyes shall be meat unto the foules of
„ heaven, & to the beasts of the earth.] Doth not the Lord *Mal.* 3: 5. Say; *That he will be a swift witnesse against fals swearers*? And *Levit.* 26: 15, 16. he sayeth [„ He will appoynt,
„ terrour, consumption, & the burning ague, that shall con-
„ sume the eyes, & cause sorrow of heart] to such as *will break* Covenant. & againe *v.* 25. he sayes *I will send a sword that shall avenge the quarrell of my Covenant.* Yea perjury occasioned the ruine & destruction of the Kingdome of *Iudah* for *Zedekah* the last King thereof was perjured & therefore was pursued by God, & sold into the hands of the Caldeans. So did it occasion the ruine of the Kingdom of *Israel*, for *Hoshea* the last King of that state, was a Covenant breaker also. 2. *King.* 17: 3, 4.

He

He became a servant to *Salmaneser* King of *Assiria*, & gave him presents, & yet thereafter he dealt falsly; for the King of *Assyria* found a conspiracy in him, & he & his people in the ninth yeer of his reigne were carryed away to *Assyria*: & so both those Kingdomes of *Israel* & *Iudah* were ruined & brought to an end by the perjurie of these two last Kings. So likewise the rites used at making of Covenants mentioned in scripture as, the passing betwixt the parts of the cutted calfe *Ier.* 34: 18. & *Gen.* 15: 17. say, that they wished (& so looked for) the like dissection to the breaker of the Covenant.

As thus it is seen out of the scriptures of truth, how certanely sore judgments have followed, & will follow that sin of perfidie: So Prophane histories abound with instances of God's pursueing this sin with sad & fearfull judgments. And *Florus* sayeth *Lib.* 51: 52. That perfidie occasioned the destruction of the famous citie of *Carthage* which did strive with *Rome* it self, in poynt of grandour, as also that it occasioned the destruction of *Corinth* of *Thebas*, & of *Chalcis* three famous cities of *Greece*. *Hanniball* was notoriously perfidious & (as *Liv.* sayeth *Lib.* 39.) he gote a meeting; For though he had fled to *prusia* for his life, & sheltered himself in a house having seven entries, & some of them under the ground; yet he could not escape, but seeing himself ready to be taken, he drank the poyson which he had prepared, & so ended his dayes. So is it reported of *Virius Campanus* the senator, & Twenty seven others who having broken Covenant did expect no pardon, & therefore killed themselves, *Liv.* in his 29 & 30 book sheweth how *Syphax* King of *Numidia* through perfidy lost both his Kingdom & his life: after he had made a league with the Romans, he Covenanteth with the *Carthaginians* their enemies, being seduced by the affection of *Sophonisba* doughter to *Asdrubal* & so went with them to battell against *Scipio* & being taken prisoner by *Scipio* he confessed he had done madly in waging warre against the *Romans* & had broken Covenant: & by this meanes his Kingdom came under the power of the *Romans*. So *Liv.* sheweth *lib.* 21, *Carthaginians* were overcome by the *Romans*, after they had basely broken Covenant, which *Asdrubal*, in their name,

name, made with the *Romans* & had been obſerved all his dayes: And of this victory obtained by the *Romans Hanno*: *Carthaginian* hath theſe expreſſions *Mox Carthaginem circumſidebunt Romanæ legiones, ducibus iiſdem diis, per quos priore bello rupta fœdera ſunt ulti* —— *vicerunt ergo dii homines q; & id de quo verbis Ambigebatur, uter populus fœdus rupiſſet, eventus belli, velut æquus judex, unde jus ſtabat, ei victoriam dedit. i. e.* [„ The Roman legions ſhall beſiege *Carthage* hav„ing the ſame Gods to be their leaders who in the laſt warre „ did avenge a brocken Covenant —— Gods & men did „ overcome, & the event of the war, as a juſt judge, giving victory „ to them who had the beſt right, did decide the controverſie, „ viz. which of the parties had broken Covenant be„fore.] *Herodotus* relateth a ſtorie of one *Cydias* an inne keeper with whom one *Archetimus* left ſome gold to keep till he had returned from doing ſome buſineſſe; When *Archetimus* required his money againe, he denyed that he had it, at length the matter is referred to his oath, & a day is appoynted for that end, againſt which day *Cydias* prepareth a hollow ſtaffe wherein he putteth all the gold, & feigneing himſelf to be ſick, he taketh the ſtaffe in his hand, & cometh to the Church where he was to ſweare, & when he cometh thither, he giveth *Archetimus* the ſtaff to hold, untill he had given his oath: And when he did ſweare that he had given backe all the gold which he gote to keep, *Archetimus* was ſo offended that he did caſt the ſtaffe to the ground in his anger, with ſuch force, as that thereby it broke in two, & the gold appeared, & the deceite of *Cydias* was diſcovered; Now what came of this *Cydias*? *Malum vitæ exitum habuiſſe dicitur* ſayeth our Author; It was reported he made an ill end. The ſame *Herodotus* *Lib. 6.* relateth another ſtorie of one *Glaucus* in *Sparta*, with whom *Miletus* left ſome conſiderable ſumme of money, & when after *Miletus's* death his Children came to ſeek the money, he denyed that he had any money, & after they went from him, he went & conſulted the oracle at *Delphos*, & there had this oracle, as our author rendereth the words of *Pythias*.

Aſſ

Est juramenti sine nomine filius, idem,
Et manibus pedibusq; carens, subito advenit, usque,
Dum omnem corripiat perdens prolemq; domumq;.
Oaths have an issue without name,
Which hath no hands, of feet is lame,
Yet it with force & speed doth poste,
Roots house & offspring from their coast.

Glaucus hearing this gave againe the money; & yet shortly thereafter he & all his familie was utterly extinct: And therefore *Juvenall Lib.* 5. *Satir.* 13. closeth this historie thus.

Has patitur poenas peccandi sola voluntas,
Nam scelus intra se tacitum qui cogitat ullum,
Facti crimen habet.

Thus was he plagued who never did commit
The fact, only his will was bent to it;
For who contriveth evil secretly,
He of the fact is guilty really.

Memorable is the historie of the perfidious dealing which *Iohn Husse* did meet with (as it it recorded by *Sleidan* in his comment: Fol. 43. Edit. 1559.) who in October An. 1414. Was called by *Sigismund* unto the Councell at *Constance* having the publick faith engadged for his securitie, or a saife conduct granted to him, & within three weeks after he came thither, was made prisoner, with which *Sigismund* was offended, it being done in his absence: But being informed how there was no faith to be keeped unto heretic ks, he not only misregarded the petitions of the *Bohemians* requesting him to keep his promise; but also condemned the said *Iohn Husse* to be burnt, & his ashes to be scattered on the river of Rhine: Thus did that Emperour make shipewrack of his good name, who in another case said *facilius rerum quam famæ jacturam subibo. i.e. I shall lose all before I lose my credite*: And moreover there was a canon

made that no promise should be keeped unto hereticks, or to such as were suspected of heresie notwithstanding that the Emperour should engadge his publick faith, for their saiftie, when called to any Councell: But what followed upon this perfidious dealing? When the report of the execution of *Iohn Husse* & *Ierome* of *prague* spreadeth thorow *Bohemia*, there ariseth great tumults which draw to a war under the valient & renouned *Iohannes Ziscka*, which was so bloody & cruell that *Sigismund* was forced to implore help of the Empire.

Memorable is that passage in the *Turk's* historie, concerning the Covenant betwixt *Vladislaus* King of *Hungary* & *Amurath* for Ten yeers peace, & the consequences of the breach thereof. This *Vladislaus* was moved by great Kings & princes, as well Mahumetans as Christians, & also by *Iohn Palæologus* of *Constantinople*, & by *Francis* the Cardinall of *florence* generall of the Christian fleet, who shewed him, how low *Amurath* was brought, & what faire advantages the Christians had; & Especially by *Iulian* the Cardinall, who had a long speach to this end; pressing him to break that Covenant, & having ended his discourse, in name of the *Pope* he disannulled the league & absolved *Vladislaus* & all whom it might concerne; Whereupon the war was renewed against the *Turks* & when battell was joyned, near to *Varna*, the victory began to incline to the Christians, so that *Amurath* was thinking to flee, but was stayed by a privat souldier, & when he saw the great slaughter of his men, beholding the picture of a crucifix in the displayed banner of the Christians, he plucked the paper out of his bosome which did containe the late league, & holding it up in his hand, with his eyes cast up to heaven, said. *Behold thou crucified Christ, this is the league, which thy Christians, in thy name, made with me; which they have without cause violated: Now if thou be a God, as they say thou art, and as we dreame, revenge the wrong now done unto thy name, and me; and shew thy power upon thy perjurious people, who in deeds deny thee their God.* A little thereafter *Vladislaus* is killed, & his head is stuck up upon the poynt of a speare, his army is broken, *Iulian* the Cardinall is found mortally wounded by the way side in a desert; Scarce the third parr of the

the Christian army escapeth: And long after this the warre with the *Turks* had very ill successe.

It is reported of *Rodolphus* duke of *Suevia* that being instigated by the *Pope*, he waged ware against *Henry* the 4th Emperour of *Germany*, contrary to his oath, having a crown sent to him with this Motto.

Petra dedit Petro Petrus diadema Rodolpho,
The rock gave't Peter, Peter so,
On Rodolph, doth this crowne bestow,

But in fight *Rodolphus* lost his right hand, & falling sick he called for it, & said *Behold this my right hand which hath suffered a just judgment, which through your Importunity contrary to all equity broke that oath which was given to Henry my Lord and master.*

Fuller in his *history of the holy war* speaking of the causes of the many losses which the Christians had in that undertaking sayeth [„ How could saistie it self save this people & „ blesse this project so blackly blasted with perjurie, a sin so „ repugnant to morall honesty, so injurious to the peace & quiet „ of the world, so odious in it self, so scandalous to all men: „ to break a league, when confirmed by oath (the strongest „ bond of conscience, the end of particular strife, the souldier „ of publick peace, the assurance of amity betwixt diverse „ nations) is a sin so hainous that God cannot but most severely „ punish it —— no wonder then that the Christians had no lon- „ ger abideing in the holy hill of Palestine, driveing that trade „ wherewith none ever yet thrived, the breaking of promises „ wherewith one may for a while fairely spread his traine, „ but will melt his feathers soon after. The fabrick must „ needs come tumbling down whose foundation is laid in „ perjury.

In the history of *Scotland* there are severall memorable passages to this purpose, When *Durstus* the eleventh King was pursued by the Nobles for his wickedneffe, & had promised to amend his manners: He did solemnely swear to passe in obli-

vion all by-gones, but thereafter he treacherously killed the nobles, at a feast unto which he had invited them. But what followed upon this? The body of the Land rose up in armes against him, & he was killed in battell. Thus did God pursue him for his perfidy. It is recorded by *Buchan*: on the life of *Gregorius* that the *Britans* after they had made a peace with the *Scots*, did break their Covenant, & invaded the *Scots*; But divine vengeance pursued them for this; for they were broken & defate by *Gregory* at *Lockmaban* & their King *Constantin* was killed. Memorable is that stroy of *Balliol* who to get the Kingdom promised & swore subjection unto the King of *England*, & thereafter having received some ruffle at the court of *England*; (for being accused by one *McDuff*. he was constrained to stand at the barr, & there to defend himself) he reneweth the old league with *France*, & casteth off *England* contrare to his oath; alledging that he was forced to give that oath, & that albeit he had done it willingly, it could not stand, because he had not the consent of Parliament, without whose consent the King might do nothing in matters belonging to the whole Kingdom: But these shifts could not clear him from perjury, nor free the land from wrath, because of that sin; for war was raised, & at *Berwick* above 7000 of the Scots were killed, even the floure of the nobility of *Lothian* & *Fife*. The castles of *Dumbar Sterline* & *Edinbrugh* were taken, *Balliol* himself was at length apprehended & sent prisoner to *London*, all the nobles were called by King *Edward* to *Berwick*, & there were forced to swear subjection to him: And thus was the Kingdom keeped at under a long time by the Englishes, save what liberty was obtained by renowned *Sr William Wallace*, but this did not last long; for *Scotland* was againe subdued, & King *Edward* called a Parliament at *St Andrews*, where againe, all the nobles (except *Sr William Wallace*) did swear alleagiance unto him, & this was the sad fruite of perjury which made the land mourn many a day.

When *Cumin* & *Bruce* made a compact together at *London* for to endeavour the liberating & delivering of the Kingdom out of the hands of the Englishes, & had given an oath of secrecy & faithfulnesse to other; *Cumin* perfidiously did reveal

the

the matter unto King *Edward*, But for his treacherie God pursueth him, for ere long he is killed by *Bruce* in the Church of *Drumfries*. About the year, 1447. *England* breaketh their promise of truce unto *Scotland* & useth some incursions to spoile *Scotland*, But being payed home by the Scots, it draweth to a warre on the south borders, & there *England* is foiled, & looseth 3000, beside many prisoners, & the *Scots* obtaine a great booty; for the *English* did certanely expect the victory, & therefore came forth, more for pompe & glory then for fighting.

About the year, 1535. the King of *England* sent to *Scotland* to commune with the King, about some solide peace & agreement for the time to come, & offered to K. *Iames*. 5. Then unmarried his doughter, & to make him *King of great Britane* after his death, & in the mean time to give him the stile of the *Duk of yorke*: King *Iames* pleasing these proffers, assenteth & condescendeth on a day, on which he should meet with the King of *England*, & accord upon all matters. But at the instigation of the popish-Church men & other courtiers, who were driveing on their own designe, he breaketh his promise, with the King of *England*: And when, *Anno* 1540. Ambassadours were sent againe from *England* to desire that the King would goe to *York*, & there treat with the King of *England*, conforme to the last agreement, The priests stood in the way here also, with which the King of *England* was offended, & resolved to raise warrs against *Scotland*. The result of which war, was, that at length the scottish forces were all scattered & broken, at the report of which defeate, the King was so grieved & vexed that within few dayes he died.

Againe when King *Iames* 5. Dieth, the King of *England* communeth with the Scottish prisoners, whom he had taken at the last battell, concerning the marrying of his sone, with the young Queen King *Iames* his doughter, & when they promised to do what they could, without wronging either the publick good, or their own credite, he sent them home, appoynting them to leave some pledges in their room at *New castle*. This was in the end of the year 1542. when the Parl. conveened in *March* next the businesse was concluded, & thereafter the contract was signed by

both Kingdoms & solemnely subscribed in the abbay of *Halirood house*, & the sacrament was broken, (as the forme was) betwixt the Governour of *Scotland*, & Mr *Sadler* Ambassadour from *England*. But the old *Queen* & the *Cardinall*, being against the match, stirre up all to a breach, & perswade those who had been prisoners in *England*, not to return thither, to relieve their pledges: only the Earle of *Cassiles* (from whose constancy & faithfulnesse the *Earle* who now is, is not degenerated, but as his predecessour was sole in keeping Covenant, so is he singular) went, according to his promise & relieved his owne pledges, & being approven by *Henry* for his constancie & faithfulnesse was freely set at liberty & sent home. But what followed upon this breach of Covenant? Many sad intestine broiles and commotions, tending to the weakening & breaking of the Kingdom, & at length King *Henry* took occasion to avenge this breach of Covenant, & sent his Navy towards *Scotland* landing ten thousand men at *Leth* who did burne *Edinb.* & many places thereabout; & againe his army did enter the borders & waste & burne all about *Kelso* & *jedburgh* & thereafter they spoile & waste all the *Mers*, *Teviotdale*, & *Lauderdale* & some yeers thereafter, viz. *Anno* 1547. He sendeth, a great army againe into *Scotland*, & when it lay about *Pinckie*, there was a letter sent unto the scottish forces, shewing the ground of the war not to be avarice, hatred, or envy; but a desire of a firme & lasting peace which could not otherwise be had then by the marriage which was proposed & assented unto, by the Estates, & an agreement thereupon sworne & subscribed; But the scottish army would not hear of this but resolve on battell, & at length were overcome & suffered great losse; For almost all the young nobleman of *Scotland* with their friends & followers were killed. This 10. of *Septemb.* 1547. may yet preach unto *Scotland*, how God will avenge perfidy, & all the nobles and others of *Scotland* who have now broken Covenant may remember *pinckie field*.

The french History sheweth us what way the Lord avenged the bloody perfidiousnesse of *Charles* 9. who had broken five or six severall pacifications & conclusions of peace, solemnely made

made & ratified, betwixt him, & the protestants: For he was smitten with a vehement desease causeing him to wallow in his own blood, which he vomited out in great abundance, by all the conduits of his body, for divers houres, till he died. And how *Henry* the 3. Who had been perfidious in breaking the articles of peace, concluded with the protestants, first about the year 1576. (where among other things he avowed by solemne declaration that the Massacre committed *Anno* 1572. was against all right & law of armes) & then againe *An.* 1580. Was stabbed in the belly with a knife, by *James Clement* a *Iacobin Friar*, in the very chamber where the former King contrived that Barbarous massacre on S. *Bartholomew's* day *Anno* 1572.

Any who is well versed in History may fill up many pages with such sad & lamentable Histories, concerning Gods avengeing Covenant breaking: these which have been mentioned, may suffice for a taste.

Section XXII.

The solemne league & Covenant vindicated: And the author of the seasonable case, & eat Answered.

THe last thing which remaineth, is to shew the vanity of their pretensions who plead the nullity or non obligation of those Covenants. It is matter both of admiration, & of grief & sorrow, that there should be any found within the Church of *Scotland*, who had so far forgotten themselves, as now to turn not only enemies to piety & Christianity, but enemies also to very humanity, & not only break Covenantyes themselves, but also teach others to do the same, & that without any fear of punishment either from God or man. But God who is Jealous will not be mocked, let men dream of exemption as they please & by sophisticall shifts think to blinde their

owne eyes & the eyesof others, God, who will not hold them guiltlesse that take his name in vaine, will, no doubt, by sad answers from heaven, discover the impiety & folly of these patrons of prophanity & inhumanity. Severall in the Kingdom of *Engl.* have vented their skill in that blake art of looseing the bonds of sacred Covenants. But their principles tending to all prophanity have been sufficiently discovered & answered by *Mr Crofton & Timercus*, & there is one in Scotland who in a late pamphlet intituled, *The seasonable case of submission to the Church Government*, &c. tryeth how far his skill will reach in this art. O how fitly may that of *Plautus* be applyed to this generation!

Nostra atas non multum fidei gerit.
Tabulæ notantur, adsunt testes duodecim.
Tempus locumque scribit actuarius.
Tamen inventur Rhetor qui factum negat.
This age wherein we live is void of faith
For writes are signed, twelue witnesses before,
The notar writt'th both time & place, what more
Yet come'th a man of words who all deny'th.

But who the author is, who can tell; For though the pamphlet be published by order, & so countenanced by authority; Yet he putteth not to his name, being (as would appear) ashamed to patronize such a bad cause: & least of all can he be known by the description he giveth of himself in the frontispiece, *a lover of the peace of this Church & Kingdom* unlesse he meane such a peace, as is the plague of God upon the heart, filling it with senslesnesse & stupidity, & lulling it asleep in his just judgment, because of the palpable breach of a Covenant: Or such a peace as is very consistent with the curse & vengeance of God pursueing the quarrell of a broken Covenent. But whoever he be he tryeth his skill & strength in pulling down both the solemne league & Covenant (with which he both begin-neth & endeth) & the nationall Covenant (which he fighteth against on the bye) & his strength in this matter must be tryed.

In dealing with the Solemne league & covenant he layeth doyne three maine grounds.

The

The first is this pag. 22. *That an oath howsoever in it self lawfull yet the case may be such, that by something following after, it may cease to binde, yea the case may be such that it can not lawfully be keeped.* It will not be necessary to examine this, at any length, as it is here set down; but it will be sufficient to examine it, in so far as it maketh for the purpose in hand, & that will be, by examineing Whether the cases wherein he alledgeth this holdeth good, will suite the Covenant now under consideration.

He mentioneth three cases. The first is this *When the matter of an oath is such as doth belong unto a superiour to determine in, then the oath of the inferiour ceaseth to oblige when the superiour consenteth not to what is sworne. This is both agreeable to reason; because no deed of the inferiour can prejudge the right of the superiour, & also sound divines do acknowledge this, upon the common equitie of that law Numb.* 30: 4. Unto which these things may be replyed. 1. Whether the relation betwixt subjects & Magistrats be so strait, as is the relation betwixt parents & Children & bewixt husband & wife, may be some what questioned, as to the matter in hand, the one being naturall, the other but politicall; the one such as cannot be changed at will, the other such as may; A man may Choose to live under what Magistrat he will, but a woman cannot cast off her parents, & her husband when she will, & take others: & therefore there may be a greater latitude allowed in the one case, then in the other, & whether Magistrats & subjects come within the compasse of that text *Numb.* 30 May be questioned also, seing there is nothing in the text hinting at this; Yea though *Moses* be speaking to the heads of the tribes, concerning the Children of *Israel*, yet he maketh no mention of this case, nor of any other except of two, viz. a woman under a husband, & a woman not forisfamiliat: & though analogies may be allowed in some cases, yet there ought to be a clear ground out of the word, for such analogies as will founde an argument against the obligeing force of oaths; such analogies, as will warrand consciences in this case had need to be very clear & undoubted. 2. Though this

this analogie were ganted; yet this case will speak nothing to the poynt in hand, unlesse it were proved that there were no civil Magistrats in *Scotland* beside the King, & that all, Even the Estates of Parliament conveened in Parliament were subjects, & nothing else but subjects; & so though the Parliament, & all the land at the command of the Parliament should take an oath, it should not binde, if the King dissented therefrom. But there is enough said above to show that supreme soveragnitie, did never so reside in the Kings of *Scotland*, as that Parliaments even in their Parliamentary capacity were no sharers thereof: And this one thing is enough to disprove this phancy, viz. That the legislative power, which is an eminent part of severaignitie, did alwayes (in part at least) belong unto the Parliament of *Scotland*; for they statute & ordaine, together with their soveraigne Lord; & therefore they are called the *Acts of Parliament*: Yea without a Parliament the King can make no lawes, yea nor can he make a law without all the Estates of Parliament. But of the power of the Parliaments of *Scotland* in making lawes, yea & over the King himself, enough hath been said: & therefore this case doth not concerne the matter in hand. 3. Let this be given, though it cannot be granted: Yet this case will not help his cause; because it can hold good in no other things, but such, in which the inferiour is subordinat to the superiour, & is by the law of God subject unto him, as the doughter, in the matter of her marriage, or the like, is subjected unto her parents; & the married wife, in the dispossall of domestick goods & affaires, is subjected unto her husband: but in matters of religion & in morall duties, no wife is so subjected unto her husband nor doughter unto her parents, as that they can loose the obligation of their vo ves & promises; Yea in this case it will be easily ganted that inferiours may vow & Covenant, not only without, but even against the command of superiours, for it is alwayes better to obey God then men; Now it hath been showne above that these Covenants are about morall duties & matters of religion wherein inferiours are not to waite upon

their

their superiours, But must advance whether they will or not.

But to this he replyeth *Pag.* 23. *That such as plead the obligation of the Covenant in the matter of Episcopacy must suppone that it is indifferent or not unlawfull, for if by God's word it be found unlawfull, then whether there had been a Covenant against it or not, it cannot be allowed.* It is Answered. 1. It will not be a fit place here to lanch forth into the disput concerning Episcopacy, & more is already said against it by many famous & worthie divines, then is, or in haste will be, Answered, & as for what this Author is pleased to say for it, & against presbyterie elsewhere in his pamphlet, it is but that which hath been said & said over againe, by others before him, who knew to put their arguments, in a better dresse then he doth; & is sufficiently answered by others: but if he had brought any new arguments forth to the field, it had then been fit to have taken some notice of them. But 2 whereas he thinketh that such as plead the Covenant obligation, must suppon that Episcopacy is a thing indifferent, & that presbytery is nothing else, he runeth alone without the company of any casuist or divine, for all do grant that an oath may be *de re licita & possibili concerning a matter lawfull and possible*, and particularly that it may be *about a matter morally good*, & that *in things morally good, an oath hath an obligeing force: ad quæ præstanda* (sayeth D: *Sanderson de jur. prom: obl. prælect.* 3. §. 6) *vel injurati tenemur, jurati multo tenemur magis, accedente scilicet ei quæ præfuit, ex præcepto, nova obligatione, ex jurejurando, i.e. for the doing of those things which we are bound to do though not under an oath, being under an oath we are much more bound, for to the former obligation arriseing from the command, there is a new obligation added, arriseing from the oath* Had not the Covenants & oaths which the children of *Israel* swore, concerning morall dutyes, the law & the worshipe of God, an additionall tye & obligation? *Jer.* 50: 5. *Jos.* 24. *Deut.* 29: 3. By this meanes this author would take away this piece of God's worship & service, of vowing & swearing unto him, for it must either be about things necessary or about things indifferent: But he will have no oath

or

or vow made about things necessary, because (sayes he) that needlesse; nor will he have any oath or vow made about thing indifferent, as shall be seen afterward; & so if he speak truth there ought to be no vowes or oaths, at all. 4. But why may not people look even to the Covenant obligation, in things determined by the word? Doth not God lay the breach of Covenant oftentimes unto the charge of his people? & doth not this say that they were bound to look to their promises & obligations? It is true that oaths & Covenants should not be the only ground upon which to plead the lawfulnesse of such or such things; yet these promises vowes & Covenants, ought to have their own secondary place. So then, it is a poor thing to say that such as plead, for the standing force & obligation of the Covenant, must suppone that *Episcopacy* is a thing indifferent; for by this same reason, they must suppone also that the other great duties, which are engadged to, in that Covenant, relating to true religion & a holy life, from which (himself sayeth, Pag. 37.) no power on earth can loose, & to which they are indispensably tyed, are of an indifferent nature; which were most reasonlesse & absurd. 5. This is a hard case unto which this author would bring the Covenanters, viz. That either they must quite the obligation of the Covenant, or else say that all those particulars sworne to, in the second article: (which is the article he mainely instanceth) are but matters of indifferency and consequently say, that not only prelacy in it is height, as *Hierarchicall*, but *poperie heresie*, *schisme*, & *every thing which is contrary to sound doctrine & the power of godlinesse*, are matters of indifferencie. But would he say so in his own case. If one who had taken the oath of alleagiance, or fidelity, to his lawfull prince, or the oath *de fideli administratione*, in some office or other, should afterward alledge that these bondes did not binde him, for either the matter there obliged to, was a thing indifferent, & if so, he was not bound to wrong his liberty, or else duties antecedent to the oath, & then the oath, hath no force on him, & he is no way perjured, though he crosse a hundered of those oaths: Now what will this author reply in this case; hath he not (as it is usuall for such as plead

for

or error) in seeking to wound the Covenanters, killed himself, & what evasions he findeth out for subjects to reject all the bondes of oaths imposed by superiours, every one seeth: And whether in so doing he doth his Maj. good service, & Acteth the part of a loyall subject, and faithfull casuist, any may judge.

But to proceed in the examination of the case set downe 4. Let this also be given unto this Author, though it may not be granted, he will not gaine his cause for let it be supponed that *Episcopacy* is a thing indifferent, will it thence follow that the Church may not determine, in a matter of indifferencie, concerning Church government, without the supreme Magistrat's expresse consent? Whether is the Church or the Magistrat, the fittest judge of that government, which best suiteth the Church, & tendeth most to edification, & is most expedient? whether are the Churches that live under the *Turk*, more able to judge of the most expedient edifying way of Church government, or the *Turk* himself? If he reply That he speaketh of Christian Magistrats. It is answered That heathens are as essentially Magistrats, as Christians are, & that text *Numb.* 30. groundeth no more an analogy for Christian Magistrats, then for heathens: And if that be a law, then he would remember that *non est distinguendum ubi lex non distinguit*, & that Christians may be subjects unto heathen Magistrats, is beyond all question: And therefore if this arguing hold good, a Christian Church living under the *Turk*, might not vow to maintaine and follow such a forme of Church government, as they judged most agreeable to the word of God, most advantagious for the ends of government, because, forsooth, it were a prejudging of the right of the great *Turk* their superiour. If he reply that the case is altered because of the *Turk's* granting liberty unto these Churches, to do in these things as they think meet *Ans.* Then the *Turk* is a better friend unto the Church, then the Christian Magistrat; & it were better for the Church to be under the *Turk* then under a Christian Magistrat. 5. Let all this be yet granted, by way of supposition, he will not gaine his poynt; for their oath in this Covenant doth

not

not prejudge the right of the superiour; because they sweare only to endeavour, in their severall places & callings, such & such alterations, & what incroachment can his make upon the superiours right? May not a wife or a doughter sweare, in their places, & according to their callings, to endeavour the alteration of such or such a thing in the family, & yet never attempt it, without the consent of the parent or husband? May not here oath be lawfull, & binde here to use all faire & lawfull meanes to move & incline the parent or husband there unto? So that what ever he be pleased to say, of the way of *Scotland* their carrying on that businesse (in which how fowlely he erreth, may be showne hereafter) were it granted to him, will make nothing against the Covenant, concerning the obligation of which, is the difference now. Till then he make it appear that the Covenant, as worded, did directly prejudge the right of the superiour, his alledgiance is frivolous & groundlesse. 6. This might be granted to him also (which yet cannot be done) & his cause gaine no advantage, & that for this reason; Because that place *Numb.* 30. Exponed according to his owne glosse & commentary, maketh for the Covenanters every way: For. 1. They had no open dissent declared: It is true there is mention made of a proclamation declareing it unlawfull to enter into that Covenant but *Mr Crofton* in his *Analepsis Analepthe*. *Pag.* 120. sayeth that it was not regular, being done without the advice of his Councell, who are vailed by the session of Parliament, & sheweth also how it was a breach of privilege. But as to that, this may satisfie. That as that proclamation did not anull the act, but only prohibite it, so it did not concerne them in *Scotland*. Now if the parent or husband hold his peace, the oath is confirmed *requiritur* (sayeth *doct Sanders de jur. prom. obl. præl.* 4. §. 6. *It is required that there be a clear intimation of this dissent. for it is not enough for the father to say he is not well pleased with such a vow, but he must openly contradict the same*, in refuseing he must refuse it, & in taking it away, he must quite take it away, *as if he had said he must constantly in very deed refuse & prohibite the same; by his full power and authority.* 2. *Doct. Sanders.*

anderſ. ubi ſupra præl. 4. §. 5. ſayeth that a tacite con-
ent will ſuffice, *that is to ſay* (ſayeth he) *when he who weareth may in probability preſume that the ſuperiour, would not refuſe if, his conſent were asked.* Now had not Scot-*land* this tacite conſent, when ſome yeers before, the King had ratified Acts of Parliament, diſcharging Church governe-ment by prelats? yea more, they had a formall & expreſſe con-ſent (having an Act of Parliament made by King & Parliament againſt the prelats) unto the thing which they did then vow & promiſe. 3. This diſſent muſt be preſently teſtified in the very day he heareth thereof; if one day paſſe, the oath is ratified; for (ſayeth the forcited *Doct. Sanderſ. ubi ſupra*) *he who ſignifieth his diſſent too late, may be thought for ſome ſpace of time to have conſented.* Now this proclamation was not before the 9. of *Octob.* 4. This diſſent muſt be conſtant (as ſayeth the forecited author) for if at any time thereafter he yeeld, the oath ſtandeth in force; for his former diſſenting did not make the oath no oath, nor looſed its obligation; But only hindered the execution, & ſo now the impediment being removed, the oath ſhould be followed forth; & what is promiſed therein ſhould be performed: And the Covenanters have this to ſay, That the King gave his after conſent unto the oath when he ſaid in his ſoliloquies. *That good men ſhould leaſt offend God & him in keeping of it.* But to put this out of all doubt, The King who now is (as was showne above) did ſolemnely owne this Covenant, & approve of all that was done in carrying on the ends of it, & promiſed that he would look upon the friends of the Covenant, as his only friends; & the enemies there-of as his enemies. And now, *quod ſemel placuit amplius diſ-plicere non debet, that which once pleaſed cannot againe diſpleaſe him.*

But to this theauthor replyeth thus. *It would be conſidered if it was the Lord's minde in that law, That if Children or wives having vowed, ſhould by ſome meanes arive their parents or husbands out of the houſe, —— and bargane with them either to ratify their vowes, or never to enjoy theſe comforts, that then the conſent ſo obtained ſhould be irrevocable.* *Anſ.* 1. He can be

be in no worse case as to this matter of giving his consent, then he would be, as to his swearing of an oath: Now it is granted by Casuists that an oath, unto which a man is forced, doth binde, if the matter be lawfull, otherwise, all oaths might be evited, by alledging that force constrained to it? Even the oath of alleagiance might be questioned upon this account; For it hath a penalty annexed to it, & so the swearers thereof may pretend that they were forced thereunto by the penalty: Was not *Zedekiahs* oath to *Nebuchadnezzer* forced? Doct. *Sand.* his determination in this may satisfie. He *ubi supra prael.* 4. §. 5. sayeth. 2. *If the matter required by force or sad fear, be not unlawfull nor injurious to any, but only somewhat disadvantagious to the swearer, as if one travailing should fall among robers that with drawne swords, would threaten his life unlesse he would promise them such a summe of money, with an oath: In this case it is lawfull both to promise the money, & to confirme the promise with an oath.* 3. *I say such an oath doth oblige.* And he giveth these reasons why the oath obligeth. 1. *Because he sweareth a thing lawfull & possible.* 2. *He did choose that which seemed best for that instant.* 3. *What is promised for a certane end should be performed when the end is attained.* Yea which is more, an oath into which one is cheated (in which there is lesse reall will then in an extorted oath) obligeth, as that to the *Gibeonites*. So then if an oath into which one is forced doth oblige, much more will a consent to an oath stand, though extorted by fear, especially seing the text maketh no such exception. But 2. how can he say that such as were for the Covenant did deprive the King of all his worldly comforts, seing it was conscience to that Covenant that moved *Scotland* to call home the King, after that the Covenant breakers had taken away his fathers life, & had banished himself: And how can this shameless man say (as he doth pag. 24.) *That the Covenant was contrived & carryed on, as if the designe had been laid to extirpat episcopacy, whether the King would consent, or not, or whatever course should be taken to force his consent vi & armis.* When he cannot but know that before ever there was

a word

a word of this league & Covenant (of which he is now speaking) prelacy was rooted out of *Scotland*.

But he will reply. That *Scotland* did suspend this King from the exercise of his royall power until he consented, which was an unparallel'd way of usage from subjects to their soveraigne. *Ans.* This Gentleman would speak sparingly, lest he run himself into a *premunire*; for the Estates of *Scotland* did nothing but what the lawes of the land allowed them to do. There was an act of Parl. *Parl.* 1. *Act.* 8. K. *Iam* 6. enjoyning the King at his coronation to sweare *to maintaine the true religion of Christ Iesus, & to rule the people according to the loveable lawes & constitutions received in this realme, & to procure to the uttermost of his power, to the Kirk & Christian people true & perfect peace.* And this oath King *Charles* the first did swear, & what wrong did the Estates of *Scotl.* when they caused King *Charles* the II. sweare the same? It is true that both the nationall & solemne league & Covenant, were tendered to him also. But what was there in either of those different from this oath? all the question is about *Episcopacy*, & was not Episcopacy abolished fully by act of Parliament, & by an act of Parliament ratified & approved by King *Charles* the first himself, being personally present *Anno* 1641? & so, was not this a received & an approved law, as full & formall, as ever any law made by any Parliament in *Scotland* was? And what wrong was it then to put this King to sweare to rule them by their owne approved & allowed lawes? By this, it may be seen that Reverend & learned Mr *Crofton* & the authors of *the Covenanters plea*, are mistaken through misinformation, when indirectly, at least, they alledge, or take it for granted that the Scots dealt uncivilly & disloyally with their prince in this businesse? & the reader must be intreated to look on that escape, as flowing from no ill will which they carry unto the Estates of *Scotland*, but meerly from want of information, though it had been wished that they had forborne to have vented in publik any such reflexion, untill they had been better informed. But furder, to goe on in speaking to the author now under examination: At that time, when the King was crowned, it became him & all, to have construed otherwise of his majesty

& to have said with *Cicero de officis lib. 3. Quasi vero, forti viro vis possit adhiberi: as if a stout and constant man could be forced unto any such thing:* & with Doct. *Sanders. pius esse nequit qui non est fortis, he who is not thus stout and constant can not be a godly man.* But now seing it hath pleased his Maj. to declare unto the world in print, that he did sweare that Covenant against his will, all are bound to give him credit: But withall this must be said; That *Scotland* is at a great losse, not knowing how they shall be secured in any thing, or how they shall know when Kings at their coronation do swear willingly, & when not: & on what ground they now stand who can know? for it may be as well said that he swore that oath, which was enjoyned to be sworne by the 1. *Parl.* of King *Iam.* 6. against his will: & upon this ground it may be alledged, that he is not now bound to maintaine the true reformed religion, nor yet to rule the land, by the laudable lawes thereof, but only according to his own will & pleasure.

But this author goeth on & sayeth. *It would be considered whether this be* de jure naturali, *that a consent of a superiour once given to the vow of an inferiour, he hath no power to revoke his consent upon reasonable causes, and to make void the vow: Lessius thinketh the precept is* eatenus *judiciall Anſ.* He would gladly put to his *Amen* unto this if he did not feare to be hissed at: What *Lessius* or any of his stamp say, is not very materiall: But whereas he thinketh that that part of it is judiciall, he had done better if he had given one word of reason for it: But if he thinketh that that part of it is judiciall, what if others think that the rest of it is judiciall also, & so it be wholly laid aside as judiciall? But who ever these great schollers are who think that the superiour may revoke his consent, it is too too apparent that they are not great divines, who would teach people thus to falsify their oaths & promises, nor are they good royalists, who with Matchiavell (who sayeth *Princes should not have vertue, piety, faith, religion or integrity; yea that it is dangerous to them to use those alwayes, & that it is necessary sometimes for them to do contrary to their faith and promise and turne with the winde*) would teach Kings to take their word againe when as

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nudo jus & reverentia verbo
Regis ineſſe ſolet quovis juramine major.
King's words have weight & great reſpect,
More then all oaths which men exact.

& undertake to maintaine that maxime, that [*principi nihil eſt injuſtum quod fructuoſum. That a prince can do no wrong whatever he doth, if it be for his own gaine*] ſeing Solomon that wiſe, King ſayeth Prov. 17: 7. That [*lying lips become not a prince*, & the emperour *Charles* 5. when queſtioned by *Ludovick palatine of Rhine* why he would not break his promiſe to *Luther*, ſaid, *That though faith in keeping of promiſes should be banished out of all the world; yet it should remaine with the Emperour*] But *Doct Sanderſ* a better caſuiſt then this author, reſolveth the caſe otherwiſe *ubi ſupra pral.* 7. § 6. ſaying 3. *if the ſuperiour hath once confirmed the promiſe by his expreſſe conſent antecedent or ſubſequent he cannot afterward make that promiſe void and null, or looſe its obligation*] Now it was shown before, That the Scottish Covenanters had more then his Maj. conſent; They had him ſwearing the ſame thing, ſo that there can be no power of revokeing, or of doing, or of putting his inferiours to do any thing, contrary to the oath: and what ſayeth this author unto this? He ſayeth for ſooth [*That it is granted, unleſſe upon ſome other ground there be a clear looſeing of the ſuperiours oath, & a ceaſing of the obligatiin of it*] Anſ. *Spectatum admiſſi, riſum teneatis amici.* Seing he had a minde to ſay this why hath he troubled his reader all this while? What theſe other grounds are he hath not yet showne, & this is a faire confeſſion, that he hath been beating the winde; & therefore this firſt caſe is ſent away with diſgrace; for now at length he is ashamed of it, and it may be, he shall have cauſe likewiſe to be ashamed of the reſt, ere all be done; for it is *malum omen in limine ceſpitare.*

The ſecond caſe which he mentioneth shall be thus ſummed up [*when the matter abideth not in the ſame ſtate, but ſomething in providence occureth, before the accomplishment of the oath, which*

maketh the performance either sinfull, as the delivering of the sword into the owners hand, when turned mad; or importing some turpitude, or some thing against morall honesty, as marrying of a woman, after oath discovered to be with childe to my brother, or any other man, then the obligation of the oath ceaseth & so is the case here, (layeth he) *some thing occurreth now, which maketh that without sin we cannot performe that oath, for (supposing the indifferency of prelacy we cannot performe that oath without disobedience to the Magistrat in a matter wherein he hath power to command; no oath can binde, sayeth* Perkines, *against the wholsome lawes of the common wealth, neither is it materiall whether the lawes be made before, or after the oath, both wayes the matter of the oath becometh impossible* de jure, *and though in indifferent things of private concernment, an oath may take away liberty: Yet a subjects oath cannot take away the power of the Magistrat in things not unlawfull, nor hinder subjects from obedience; otherwise subjects might finde a way to plead themselves free from obedience in all things indifferent*] This is the summe of his discourse unto which it is *Ans*, 1. The ground of this is yet questioned; for it is showne that as to the 2 Article, about which most of the contest is, the Covenant is not about things indifferent, but things morally evill, as is uncontroverted in all poynts save that of prelacy, and to take it for granted that prelacy, as there abjured, is a thing indifferent, is more then any adversary will yeeld to him. 2. Be it granted that such a government as is there abjured, is not expresly against the word of God; yet a thing indifferent, may become inconvenient & inexpedient, & an oath made concerning those things, may be undoubtedly good & lawfull. 3. If this doctrine of his hold good, It shall be hard to know what matter it should be, about which, an oath should be taken; for he said before, that an oath hath no force in matters morally good; and it is granted by all, that an oath hath no force in matters sinfull, for it cannot be *vinculum iniquitatis*; & here he sayeth a man way not sweare in things indifferent, if they be such as come under the compasse of legislators, and thus he doth much to banish all religious oaths out of the world. 4. Will no oath binde, which is against the lawes of the land;

land? then what if a man in straite for money, shall borrow & promise with an oath, to give more annual-rent therefore, then the law of the land will allow; will not his oath binde him? What if the law of the land be against the giving of any money unto robbers; Shall not a man who is taken with robbers, & who to save his life promiseth with an oath to give them such a summe of money, performe his oath, merely because it is against the law of the Land? But as to this controversie let the reader consult such casuists as have spoken of it, whose names are set down by *Timoreus* in his *Covenanters plea cap.* 6. or if he please let him consult Doct *Sanders.* who *de jur pro. oblig. tract.* 4. §. 17. proveth it lawfull enough, & whatever be said of this: That which Doct. *Sanders.* sayeth *ubi supra Tract.* 3. §. 9. may be noticed. *It may be* (sayeth he) *that some cases may be given, in which, an oath which seemeth contrary to some law of a community, or calling, though it ought not to have been taken, yet being taken, may oblige; as for example, in a law whereunto a penalty is annexed disjunctively*, & in this case he thinketh the oath should be keeped & the law should not be obeyed, but the penalty should be payed, & this is enough for those who stand for the Cov. 5. If oaths made against the wholsome lawes of the common wealth binde not, oaths made against the unwholsome lawes of the common wealth will binde, & in that case, without all doubt, people are bound to stand to their oath, & resolve upon suffering before they yeeld obedience: And whether any law made about prelacy be wholsome or unwholsome, is sufficiently determined in the premisses, & by the grounds upon which the legislators did goe, when they rescinded all acts made in favours of prelats & their power 6. This oath (even as to the 2. Article which his most controverted) was not against, but conforme unto the wholesome lawes of the land; for befor that the league & cov. was sworne there were standing lawes against prelacy, & acts ratified & approved with all formalities, & published with all usuall solemnities, according to the King's own command & warrand; & therefore this case doth not come home to the case in hand. But he sayeth *it is not materiall whether the lawes be made before, or after the oath.* And that is a very

strange thing; for a law not yet made, is no law, & an oath taken in a particular about which there is no law yet made, can not be an oath against a wholesome law of the land: And to say that a law made afterward may loose the obligation of an oath, is a very ready way for opening the door to all perjury, & to cast all oaths loose; for when once a man hath sworne to his own hurt, & would gladly be rid of his oath he hath no more to do, but acquant his superiour, & he will make a law for the contrary, & so he is at liberty; But will such figleaves cover the nakednesse of perjurie? Or will such shifts satisfy in the day of reckoning? Dreame of those things who will, God will not be mocked? Doct. *Sanderf.* a better casuist then he, *ubi supra Præl.* 3. §. 18. giveth a better resolution, saying *if after the oath, the statute should be abrogated, or antiquated, the oath, as to that statute ceaseth, so that he is not bound by the oath to observe that law any more, unlesse* (N. B.) *the very thing contained in the oath be sworne to, expresly; in that case though the statute be removed: the obligation of the oath standeth fast.* And that is enough for the Covenanters. 7. Though it were granted (which will not be) that inferiours could not take an oath in those matters that fall under the power of legislators to enact lawes about, or if they did sweare, were not obliged to performe, what they swore; yet if legislators themselves sweare that such a thing (suppon it be but indifferent) shall never be enacted in a law, will not this oath binde those legislators? What will this advocat invente in this case, as an open door at which both King & Parl. may escape, for both King & Parl. in their kingly & parliamentary capacity have abjured prelacy? 8. Why may not inferiours sweare when they finde any law grievous & burdensome, to endeavour according to their place & power to have such a law or Act altered? & why may not such an oath oblige? This is not an oath properly against a law: & because here the dominion of superiours over inferiours is sufficiently reserved, this cannot be condemned. 9. He mistaketh that case of casuists *quando res non permanet in eodem statu.* When he applyeth it to the purpose in hand; for prelacy is the same now which it was when first abjured, there is no convenien cy or law ful-

fulneſſe ſeen in itnow which was not ſeen before; Yea on the contrary it appeareth worſe then ever: So that if he would ſtand to that rule, *quando res non permanet in eodem ſtatu: when the ſtate of the matter is changed.* Though they had ſworn to maintaine prelacy (as now they have abjured it) their oath could not binde them now to owne it; Becauſe it appeareth now ſo deforme & abhominable a monſter & a cockatrice ſeeking the ruine & deſtruction of all which cometh with in its reach. 10. what doth this author think of the oath made to the *Gibeonites*? Was there not a change of the Eſtate of affaires there, when within three dayes they were diſcovered to be lyars, & that they were not a people that dwelt a far off, but ſuch as did dwell among them, & yet the oath muſt ſtand valid & firme: Yea was there not an expreſſe prohibition to make any league with theſe Canaanits? *Exod.* 23, 32: 33. & 34: 10. *Deut.* 7: 2. & 20: 16. & was not this a whol ſome law? And yet the oath muſt be keeped, this law being a particular command, & ſo far only, to binde the conſcience, as it might be obeyed without any breach of the morall law; as in *Rachab's* caſe it is evident (as ſayeth, *Mr Iackſon* in his annotations on *Ioſ.* 9: 18.) How will this advocat reply to theſe things? If he ſtand to his principles, he muſt condemne *Ioſua* for keeping that oath. Moreover was not the oath of *Zedekiah* againſt the fundamentall lawes of the land, ſeing it was tendered to him, *that the Kingdom might be baſe*, *Ezek.* 17: 14. & yet being taken it muſt be keeped. So then his ſecond caſe will not make much for him.

The third is, in ſhort, this [„When it hindereth a greater „good, if the ſtanding to it, be found impeditive of a greater „good to which we are bound by a prior obligation, then the „oath ceaſeth to binde; & ſo is it here; for ſupponing the in„differencie of epiſcopacy, by adhereing to the oath, we hinder „our own obedience to the Magiſtrat in things not againſt „God's law, unto which we are pre-obliged; as alſo it hin„dereth the great duety of preaching the Goſpel, unto which „Miniſters were bound, before the taking of Covenant] *Anſ.* 1. This man would diſput ſtrongly if he had his will, and if men would yeeld him all which he demandeth, he would fight won-

wonderfully. Grant him once that *Episcopacy* is a thing indifferent, & you see how he will dispute to admiration, for the looseing of all Covenants; but if that be not yeelded, what will he do then? He hath no more to say, for all his arguments run on this supposition, & when this ground faileth, all is wrong with him. But to discover his weakness yet more, let this once againe be granted, & let it be supponed that *Episcopacy* is not against God's law, yet it is *Ans.* 2. If this ground hold good, men shall have a door opened for looseing of themselve from all their oaths & vowes. Himself confesseth that *by this meanes, a wide gap may be opened to all perjury*, & what course taketh he to prevent this? Doth he limit or restrick this position in any thing? No not to all, for all this hazard which he cannot but see. May not any at their pleasure loose themselves from the oath of allegiance, by alledging that the keeping thereof doth hinder a greater good to which they are bound by a prior obligation, viz. the liberating, & freeing of the countrey from oppression & tyranny? 3. Had not *Ioshua* more to say for looseing of his oath, seing the keeping of the oath made to the *Gibeonits* did hinder obedience unto a particular command which God had given unto his people, & yet God would dispense with that particular command in this case, when it could not be obeyed without perjury, which is directly against the law & light of nature, & when the obeying thereof would have give the heathens great occasion of blaspheming the name of the Lord; though he will not dispense with the breach of any morall law upon that account. 4. Had not *Zedekiah* as much to say, for the looseing of himself from his oath? *viz.* that the keeping of the oath did hinder him from performing that duty to his Kingdome & countrey, unto which he was pre-obliged? But this new coined divinity was not of force in those dayes, & his bare word will not make it passe now with tender consciences. 5. What is the greater good which it will hinder? *It will hinder* (as he thinketh) *their obedience to the civill Magistrat.* But are all bound to obey the Magistrat in all things that are indifferent? Doth every law of the Magistrat binde the conscience? subjection, it is true, is necessary: but not obedience Active, & subjection may consist with obe-

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dience passive, that is, in suffering the penalty, when Active obedience cannot be given to the command: passive obedience is consistent with the publick peace, & doth no way hurt the majesty, honour or credite of the ruler. So that though standing to this oath, may now hinder Active obedience unto that command of the Magistrat, enjoyning, a countenanceing of, & a concurring with the abjured prelacy; yet it will not hinder subjection or passive obedience, & this is all, which in those positive indifferent things they can be said to be obliged unto, unlesse he would say (which yet he darre not) that the prelacy which was abjured, is a government commanded of God to be perpetually practised in the Church. 6. It would be considered also that their standing to this oath doth no way hinder their obedience to the Magistrat, in any thing commanded of God, or in any indifferent positive thing, save in this one particular (if so be this must goe under that name of indifferent things) & then the true question is not; whether is it a greater good to disobey Magistrats, then to keep an oath? But whether is it a greater good to obey the Magist. in this one particular of imbraceing that prelacy which was abjured, or to stand to the oath? And that will come to this, whether is it a greater good for Church or common wealth to have prelats, then to want them? & if this advocat will make this the question, there will be some found who shall willingly undertake the disput. But if what is past, & what is present be called in to give judgment in this matter, the question will quickly be decided, yea & appear to indifferent beholders, to be already determined: If the persecution of godly faithfull Ministers of the Gospell; If the laying of countreysides waste & desolate; If the feeding of people with winde & lies; If the great increase of atheisme, arminianisme, popery, ignorance, & prophanity of all sorts: If the persecuting of the godly & of godlinesse; If the hindering of the exercise of religion & Christian dueties, & the like, may have any weight in casting the scale. 7. As for the preaching of the Gospell, it is true, it is the duety of Ministers to be mindeing that; But God hath need of no man's sin to worke his work, he calleth no man to preach the Gospell, by

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the way of perjury; yea their suffering now for truth tendeth to the furtherance of the Gospell, as, *phil.* 1:12. & is much more edifying then all their preaching could be, after they had proclamed their perjury unto the would. 2. Whose fault is it, that Ministers cannot have liberty to preach the Gospell? Is their keeping of the oath the thing which standeth in the way? Is there no other way for one to have liberty to preach the Gospell, but by breaking his oath? what influence hath the conscientions observing of the oath upon non-preaching? What if that iniquity, which is established for a law, were taken out of the way? Would there not be preaching of the Gospell, notwithstanding of a conscientious observation of the oath? there is no doubt of this. So that it is not the observation of the oath, which hindereth the preaching of the Gospell, otherwayes it would alwayes have done it, & will alwayes do it, which is false: But some other thing: & now let the blame of not preaching the Gospell, lye where it should lye, for there it will lye, whether he will or not. Yea the conscientious observation of this oath is so far from lying in the way of preaching the Gospell, that on the contrary, the breach of the oath doth incapacitate a man for preaching of the Gospell both before God & men: perjury is no qualification of a minister before the Lord, & who can trust or commit their soulls unto a perjured man? How can such an one who hath once so palpably perjured himself presume ever to set his feet within a pulpit againe? And thus it is clear that this case maketh nothing against the Covenanters, & so the first assault which he hath made upon the Covenant is repulsed very easily.

The next ground which he layeth down is this. *That if the Covenant be not rigidly interpreted & strained, it will not hinder a complying with the present prelacy*, & that upon these two grounds. 1. *At the time of the taking of the Covenant there was no such Church officers in Scotland, as are mentioned in the 2. Article; & therefore Scotland did not need to swear to endeavour their extirpation.* And 2. *The Parliament of England the giver of this oath, intended nothing lesse then the extirpation*

rion of all kindes of prelacy & Bishops in the Church, & for this he bringeth in the authors of the Covenanters plea, Mr Baxter, Mr Gataker, & Mr Vines as confirming this notion of his. Unto all which a short answere may suffice, for though it might be easily demonstrated that those men mentioned hy him, do not approve of that species of Episcopacy which is now set up in Scotland, & that they have said nothing which will speak out their judgment of the complyance of the 2. Article of the league & Covenant with the Scottish Episcopacy, yet it doth not much concerne these in Scotland, to search & to try narrowly what is the judgment of any particular divine how eminent soever in England, concerning prelacy. Nor what sense or glosse they put upon the Covenant, or upon any particular article thereof; Though it is very probable that they will not put such a favourable interpretation upon that article, as shall make it an interpretation, not *aquitate temperatam*, but *Gratiâ corruptam*. Yea nor is it of much concernment to these of Scotland, to search after the sense or glosse, which the Parliament of England did put upon it (though no difference can be apprehended betwixt their sense, & the sense of the Kingdom of Scotland) seing they did not tender that oath unto Scotl. but they are to look rather unto the sense & glosse which the Church & state of Scotland in their publick meetings did put upon it, & it is clear that they intended no complyance betwixt the Covenant & this prelacy. Though, it is true, at the taking of the Covenant, there was no such officers as are there named, in Scotland. (Which is all the weak ground he goeth upon as to this particular) yet, albeit Scotland had gotten those unhallowed plants plucked up & casten out, they were not out of all fear of them. The dangerous Estate of the Church & Kingdom of Scotland at that time, said they were not without feares that these plants might againe take rooting, if the popish prelaticall & malignant faction had prevailed in the Kingdomes. And therefore they were called to fortifie themselves against those plagues & evills, by a solemne league & Covenant. But moreover doth not the very words of the second article expresly exclude the prelacy which

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is now in *Scotland*? Is not the Church of *Scotland* at present governed by two Archbishops and by tuelue other bishops? Have not those bishops their deanes, their arch deacons, &c? And is not the 2 d. article expresly against such a government by such officers? Who that hath eyes in their heads can doubt of these things? Moreover will he suppose that the Church and state of the Kingdom of *Scotland* were such *ignoramuses*, as to set down contradictories in the Covenant, & that when they had sworne to maintaine the discipline & government of the Church of *Scotland* (which himself will confesse was presbyterian) in the first article, & in the second article had abjured a government in the Church, inconsistent with presbyterian government; should be thought withall to consent & yeeld unto such an episcopacy, as should be inconsistent with presbyterian government? Which were in effect to say, They swore to maintaine presbyterian government & yet might receive another government distinct from, & inconsistent with presbyterian government: And though they abjured prelacy; yet not every prelacy, for they might for all that, accept of one sort of prelacy which yet should be inconsistent with presbyterian government. But possibly this advocat saw he would be ashamed of such things, & therefore went to *England* to seek such help as he could finde, but all the help he hath gotten there, hath made little to his purpose. Finally this author would do well to follow D. *Sand.* his advice *ubi sup. præl.* 2§ 9. where he discourseth thus *when I say an oath is* stricti juris *that is to be understood thus, that the meaning of the oath is to be keeped when the same is clear from the words.* And is not the sense of the 2d article of the Covenant as clear as can be? But put the case it be dubious, heare what he sayeth furder [*But when the meaning is doubtfull, every one is carefully to take heed that they indulge not their own affections, & inclinations, or give way unto too lax & large a license of glossing, to the end they may with more ease loose themselves from the obligation of the oaths with which they are bound, or give such a sense unto the oath or to any part thereof for their own profite & advantage, as no wise & prudent man, who is not concerned in the matter (and so having no*

interest is at greater freedom to determine) can be able to gather from the words themselves; & the reason is twofold, one in respect of others, and for fear of scandall, lest any other who is weak be moved to think he may lawfully do what he seeth us do, being ignorant of those subtilities with which alone we think to defend ourselvs from perjury. The other in respect of our selves, for fear of perjury, which is a most grievous crime, and which undoubtedly we bring upon ourselves if that more favourable interpretation deceive us, This reason dependeth upon that generall & most profitable rule, in matters doubtfull follow that which is saifest thus he solidely & judicously.

What he addeth here against the *nationall Covenant* shall be considered fully in the next Section.

When thus he hath spent his master pieces, against this Covenant, he cometh, in end, to try what his third & last device will do, & that is, to muster up some stragling faults which he espieth either as to matter or manner; which though granted to him, would not much advantage his cause, or say much for loosing the obligation of the oath, now after it is taken: Yet because he vapoureth much in his expressions here, & would gladly deceive the simple, who are not well acquanted with the nature of oaths, but are ready to think that the least escape in the manner of entering into an oath, is enough to dissolve its obligation, after it is taken, not knowing that *quod fieri non debuit factum valet*, nor knowing well how to guaird against this deceit, which he hideth with a multitude of words; his challenges must be answered.

All which he sayeth on this head, is some thing to these three particulars. 1. The want of authority, in the imposeing. 2. The generality of the termes in which it is conceived. & 3. Some incongruitie in the 3d article.

The sumnie of what he sayeth unto the first of these is this [*To carry on a publick oath without the soveraigne power, is without any example among jewes or Christians. It is a speciall royalty of the King, to have power of imposeing an oath on all his subjects, especially where the oath hath a direct aime for raiseing armes: Such leagues are inhibited by the lawes of the land Ia. 6. Parlia-*

Parl. 10. *Act.* 12: *Mary Parl.* 9. *Act.* 75. *Now this Covenant was carryed on in England by a meeting of Parliament excludeing one of the Estates, and in Scotland by a committee of Estates*] Anſ. what if all this be granted? Will it therefore follow, that the obligation of the Covenant is looſed? Nay himſelf dar not ſay ſo, for he addeth [*Now although this could not nullify the obligation of the Covenant, were the matter of it undoubtedly lawfull, and otherwiſe ſtill obligeing; yet it were well if unlawfulneſſe in regaird of his defect were acknowledged.* So that all which he would have of the Covenanters now for *proof of their ſincerity* is that *they would give, as publick teſtimony againſt the ſinfull way of entering into that bonde, as againſt that ſin (as they ſuppoſe) of breaking it.* But what would this advantage his cauſe? And ſeeing he ſaw that it would not advantage his cauſe why did he ſpend time & paines in vaine? He is at a weak paſſe now, when he can bring no arguments, but ſuch as himſelf muſt needs anſwere, & diſcover the weakneſſe of. But it is like out of a deſire to have it going well with the Covenanters he would have them repenting of the miſſe which was made. But by his favour they muſt firſt be convinced of the errour ere they can ſay that they have erred, and ere they be convinced of an errour in that Particular, they muſt ſee more cogent arguments then any which he hath yet brought: For as for that committee of Eſtates which he ſayeth did carry on that Covenant in *Scotland*, it had power for that effect from the convention of Eſtates, & their deed was approven in all poynts by the next meeting of Parliament, *Anno* 1644. the lawfulneſſe of which convention & Parliament hath been shown above (and as for the Parliament of *England*, *Mr Croſten* & *Timoreus* have ſufficiently ſpoken to that) and as for *Scotlands* entering into a league with *England* without the King's conſent, it hath been vindicated before: So hath it been showne how the Parliaments of *Scotland* do partake of the ſoveraignity with the King and have power of warre, & ſo all which he here ſayeth is anſwered already: Only becauſe he deſireth ſome examples of the like among *Iewes* or *Chriſtians*, though there be no great neceſſity for this buſineſſe, yet ſome few inſtances ſhall be brought &

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first among the *Iewes* there are two eminent examples: one in the dayes of *Asa* King of *Iuda*. 2 *Chron*. 15. where many strangers of *Ephraim manasseh* & *Simeon*, fell to *Asa*; out of *Israel* in abundance, when they saw that the Lord his God was with him, v. 9. And entered into a Covenant to seek the Lord God of their fathers with great solemnity, v. 12, 14. & that without the consent of their own King. Another in the dayes of *Hezekiah*; when he came to the throne which was in the third yeer of *Hoshea* King of *Israel*. 2. *King*. 18: 1. In the first year of his reigne. 2. *Chron*. 29. 3. (& this was six yeers before the Kingdome of *Israel* was wasted & destroyed by *Salmanasser* King of *Assyria*. 2. *King*. 17: 6.) beginneth a work of reformation, & said it was was in his heart to made a Covenant with the *Lord* God of *Israel*. 2 *Chron* 29: 10. And he sent to Israell writting letters to *Ephraim* & *Manasseh*, desireing them to come up to the house of the Lord, & accordingly diverse of *Asher Manasseh* & *Zebulon*. 2. *Chron*. 30: 1, 11. joyned with him, in that Covenanted work of reformation: here are some of the subjects of *Basha* & *Hoshea*, without their consent or approbation joyning in a Covenant or bond with another King & Kingdom (which would seem more treasonable like, then for the subjects of one King to joyn together in Covenant for the good of King & Kingdome) to carry on a work of reformation, & no doubt this advocat darre not condemne this deed of those subjects of *Hoshea* or *Basha*. As for such Covenants among Christians, instances in abundance may be given, & some have already been named, as that betwixt the first reformers of *Scotland*, & the Queen of *England*, & these in *France*, *Germany*, the *Low countreyes*, *Helvetia*, *picmont*, &c. & so a few moe shall suffice. If he had read the *History of the reformation of the Church of Scotland*, he had seen there severall examples of Covenants entered into by Christians, without the consent of the supreme Magistrat viz. one *Anno* 1557 subscribed by *Argile*, *Glencarne*, *Morton*, *Lorn* & *others*. Another at *Perth*, *Anno* 1559. subscribed by *Argile*, *Iohn Stuart*, *Glencarn*, *Boid*, *Vchiltree*, &c. A third at *Sterlin* that same yeer, subscribed by many A fourth at *Leth*, *Anno* 1560. subscribed by all the nobilite barons

barons, gentlemen & others professing *Christ Jesus* in *Scotland*, & a fist at *Aire Anno* 1562. subscribed by severall noblemen & gentlemen. In *Sleidan's* commentaries, *Lib* 7. Anno 1529. there is a Covenant betwixt the city *Strausbrugh* (which was under the command & jurisdiction of the Emperour) & three of the cities of *Helvetia* viz. *Tigurum Berna*, & *Basil* about assisting & defending one another in the cause of religion; & this was without the consent & approbation of the emperour, as appeareth by the letter written to *Strausbrugh* from the dyet of the Empire: againe, *An.* 1530. there was a Covenant betwixt the *Landgrave* of *Hesse*, & those three cities *Tigur* or *Zurick*, *Basil* & *Strausburg* anent mutuall defence in the cause of religion. That same yeer the protestants meet at *Smalcald* & draw up a Covenant for mutuall defence in religion & it was subscribed by *Albert* & *Gebert* of *Mansfeldt* by the cities of *Magdeburgh*, & *Ereme*. *Sleidan*, sheweth also *lib.* 19. That in *February* 1547. the nobles of *Boheme* meeting at *Prague* entered into a Covenant among themselves for the defence of their liberty, whether *Ferdinand* would or not.

The second particular is about the generality of the termes wherein the Covenant is expressed. The summe of what he sayeth here is this. *The Covenant was purposely framed in generall and homonymous termes that all the sects might lurck under it*; *And so the Sectarian army when they invaded Scotland did pretend the Covenant*; *And presbyterian Government was no way secured, it not being once named, but wrapped up in generall, under the reformation in doctrine, worship, discipline & Government, unto which independents & separatists might assent, purposeing to preserve he same against the common enemy, yea even such as entered into the Covenant could not agree in its sense as may be seen in the Parliament of* England's *baffling the Scottish Commissioner's declaration*; *Anno* 1647. *& other papers. Ans.* 1. To say that the Covenant was purposely framed in generall termes, that severall parties might be fast united against prelacy, is a base & slanderous imputation, But suteth him well who pleadeth for such a cause; If the Covenant, for the most part, be thus conceived in generall & ambiguous termes, how cometh it to passe, that he

produceth not instances thereof, no not so much as one? Was it not as cleare as the sun shineth at noon day, that the reformed government of the Church of *Scotland*, at that time, was presbyteriall? And did not himself say a little before, that at that time there was no such officers in the Church of *Scotl.* as are mentioned in the second article of the league & Covenant? And whereas he sayeth that severall sects did lurk under the lap thereof, doth the think this a cogent argument to prove it's ambiguity? What sect is it which doth not plead scripture? Shall scripture therefore be accounted ambiguous? No not at all. Let men of corrupt mindes & principles wrest words in the Covenant as they please, the Covenant, to any who shall reade it, is plaine & clear enough, & he who will wink, may wander at noon day: let men imagine & put what glosses they will on scripture, It is plaine, & hath but one sense. But what will all this make to the businesse? Will the obligation of a Covenant, in which some men think there lyeth some ambiguities, be loosed upon that account? This must be proved ere it be received off his hand, as a truth: neither he, nor any of his party hath hithertill attempted any such thing. Lastly is there any ambiguity in the second article? *Yet* (sayeth he) *were it not better to lay aside* (*when now it is disclamed, by King & Parliament & all persons of trust in the land*) *a human forme which in respect of the composure of it, is apt to be, hath been, & is like to be a seminary of variety of parties, & worse evills then prelacy is imagined to be.* When he hath made it to appear that this composure is apt of its own nature, to be such a seminary of worse evills then prelacy, his advice may be taken to consideration, but till then (which will be, *ad Calendas græcas*) he must excuse the Covenanters, for neither King nor Parliament, though they had the pope with them, can give a dispensation in a matter of an oath, And King & Parliament with all the persones of trust, will have enough to do to hold the broad roll & the curse off themselves, their houses, & their posterity, & to keep themselves out of his hands, Who will be a swift witnesse against false swearers, though they under-

take not to protect others from the wrath & vengeance of God.

The last particular which he exaggerateth is the limited or conditionall preservation of the King's Maj. person & authority, viz. *in the preservation & defence of the true religion, &c.* He enquireth whether this was right or not? And if difference in religion loose a people from their duty to the King? To which a short reply will suffice. 1. Though it were granted that there were some thing wrong here, this will not ground the nor-obligation of the Covenant in other particulars, & what hath he gained then? 2. What ever wrong may be in wording this article thus, The blame is not be laid upon the first authors of this league & Covenant; For in the nationall Covenant (which was subscribed at first by King *Iames* & his houshold, *Anno* 1580. And in obedience to an act of Councell together with an Act of the Generall Assembly, by persons of all rankes, *Anno* 1581. And againe subscribed by all sorts of persons, *Anno* 1590. 1591.) The Covenanters duety towards the King is so qualified in these words. „We „protest & promise with our hearts under the same oath, hand „write, & paines, that we shall defend his person & authori-„ty, with our gear, bodyes & lives, in the defence of Christ's „evangell, liberties of our contrey, ministration of justice; „& punishment of iniquity, against all enemies within his „realme or without. So that if he annull the league & Covenant upon this account, he must much more annull the nationall Covenant, whereof King *Iames* was the author: For in that there is more added to the qualification of their duty to the King, viz. his *ministration of justice and punishment of iniquity.* So then this clause in the *league* being consonant unto that in the *nationall Covenant* needeth not be so much quarrelled at. 3. It is like he is displeased with any such qualification, but his reason is not very forceable *viz.* because *it would insinuat that they were no otherwayes bound to defend him,* for it will only insinuat that the Covenanters are to preferre, that which is of greater moment unto that which is of lesser concernment, & that they are to preferre the end unto the mean leading to the end; That is, when the King is in direct oppo-

position, unto the cause & work of God, it becometh them to preferre the interest of *Christ* before man's, & not to help the mighty against the Lord, but the Lord against the mighty: And when defending, promoveing, or any way advanceing the authority of the King, shall directly tend to the ruine of the interest of Christ, & religion, no Christian is bound to coucurre: And this was granted even by the Parliament, *Anno* 1648. So that the question betwixt the Parliament & the Church, at that time, was not whether religion, & the interests of *Christ* should be preferred to the interest of the *King*, or not: But whether the Engadgement, which was then carryed on, was not a preferring of *Man's* interests to *Christ's*; for as to the *thesis* or major proposition, it was granted by the Parliament *viz.* That Christ's interest should be sought before man's, & the King's interests, only in a subordination to Christ's. Thus they did profesſe openly their owneing of the Covenant, & their resolution to prosecute the ends of the covenant, & to seek to secure & establish the *King's* interests only in subordination to the interests of *Christ*, for in their letter to the presbyteries (Printed in their records) *May.* 11. They shew that *they were resolved to proceed for the preservation & defence of religion, before all other wordly interests whatsoever, & to carry on sincerely really & constantly the Covenant, & all the ends of it.* And againe, in their answer to the supplications from Synods & presbyteries *Jun.* 10. (insert likewise in their Printed records.) They declare that *in their undertakings they should preferre no earthly consideration to their duties for preserving of religion in Scotland in doctrine worshipe discipline & government, as it is already established, & to endeavour to setle it in England & Ireland according to the Covenant*: & also, in their answere to some committees of Shires they declare that [„ they had nothing before their eyes in that under„taking, but the preservation & good of religion, & the en„deavouring the setling of it in England & Ireland according „to the Covenant, in the first place & before all wordly re„spects: & his Maj. rescue from his base imprisonment his „re-establishment upon his throne, in all his just powers: the

„ saiftie of this Kingdome from danger on all hands, & the „ preservation of the union & brotherly correspondence betwixt „ the Kingdomes, under the government of his Maj. & of his „ royall posterity according to the Covenant.] So that the gentleman the author of this pamphlet, publisheth his mistakes to the world, when he would inferre thus [„ was this right, that „ (where our allegiance binds us to duty in a greater latitude) „ this should be held out to people, as the only standard of their „ loyally & duty to the King? Was it sound Doctrine to in- „ sinuat (to the sense of intelligent men) that we were not „ otherwise bound to defend him? Was it well by such a „ clause to give occasion to wicked men to think they were no „ furder obliged to him then he should defend that which they „ accounted religion.] And that the folly of his consequences may furder appear, it would be considered that there is a clear difference betwixt these two: Owneing of the King, & defending his authority, never, but when he is actually owneing, & active for the cause & interest of *Christ*: And owneing of the King, & defending his authority, alwayes, but when he is in actuall opposition, & in a stated contradiction to the work & interest of *Christ*. So is there a difference betwixt these two. Non-concurrence in defending & promoveing of the King's authority, when he is opposeing the work of God: And actuall anulling, diminishing, or utter overthrowing of his power & authority when he is so stated: And so when the Covenanters say That they are not bound to contribute their power in their places & capacities, to promove or defend his Maj. power, & authority; when he is in a stated opposition to the work of God, & when the advanceing of him to his full power & authority, would certanely tend to the ruine & destruction of the cause & people of God: yet they do not say, that they are never bound to defend him, but when he is actually promoveing & advanceing the work of God, according to his full power & place; Nor do they say, that when he opposeth the work of God, they are at liberty to destroy his person, or to spoile & rob him of all his just power & authority: And therefore both that clause in the

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Covenant, & their proceedings may be abundantly justified without laying down any ground for the taking away of the late King's life; & without clashing with, or contradicting the confessions of protestant Churches, or of their owne; for still they acknowledge that difference in Religion doth not make void the Magistrat's just & legall Authority, not free the people from subjection: But that this may be a little more clear, let this example be considered: A Father turneth phrenticke & mad, & seeketh to destroy the whole family, calling for a sword, & liberty to execute his cruelty; His sones rise up & binde his hands, & withhold the sword from him, & withall sweare to stand together in their own defence, & to defend their Father's just right & power in the defence of the family: Now, in this case, can any say that they were undutifull children; or that their covenanting so, & adding that clause in the Covenant, sayeth, they were free to cast off the relation that is betwixt him & them, except he guide the family in all poynts as they would have him doing? No in no wayes. Here then it is clear that their refuseing to put the sword in their Father's hand, while under this distemper, is no act of undutifulnesse; It is no lessening of the Father's just power over the family, nor doth it say that they thinke themselves not bound to owne him as a Father, except when he is actively promoveing the good of the family, & far lesse doth it say, that they think, because of this distemper, they may destroy him, or that the relation betwixt them & him is broken up for ever. So then, though this Advocat thought he had a faire field to walk upon, & a faire occasion to vent his anger against that Church, & to make her odious to all Churches about, yet wise men, who easily see that there is no such strong relation betwixt King & subjects, as betwixt Parents & Children, will acknowledge that his ranting is without reall ground; And that *Scotland* in their treaties with the King at the *Hage*, & at *Breda*, & in their actions at home, did nothing but what they may hold up their faces for, both before God & Man, doing nothing herein; which either contradicteth their own confession of faith, or the confession of faith of other Churches. Not

their own confession of faith; For if the large confession of faith be viewed (which was approved by the Parliament & insert in their registres.) In that head of the civill Magistrate these words shall be found, *We confesse and avow, that such as resist the supreme power doing that thing which appertaineth to his charge, do resist God's ordinance, and therefore cannot be guiltlesse: & furder we affirme that whosoever deny unto them their aide counsell and comfort, whiles the Princes and rulers vigilantly travell in execution of their office, that the same men deny their help support and counsell to God, who by the presence of his lifetenant doth crave it of them.* So that all the resisting which is there condemned, is resisting of him while doing his duty & executing his office, & not, while he is seaking to destroy Religion, & the interests of *Christ*. Nor the confession of other Churches, for in the former confession of *Helvetia*, upon that head of the civill Magistrate, they say (as it is in the English edition) *We know that though we be free, we ought wholly in a true faith, holily to submit our selves, to the Magistrate, both with our body and with all our goods, and endeavour of minde also, to performe faithfulnesse, and the oath which we made to him, so far forth* (N. B.) *as his government is not evidently repugnant to him for whose sake we do reverence the Magistrate*. So the *French* in their confession Art. 40. say, *We must willingly suffer the yocke of subjection, although the Magistrats be infidels, so that* (N. B.) *the soveraigne Authority of God do remaine whole and entire and nothing diminished*. And, which is worth the noticeing, the practice of *Scotland* in this, is consonant to the profession of the Parliament *Anno* 1648. (which did Act most for the King & his interest, preferring it to the interest of Christ) who in their declaration *Aprile* 29, insert in their Registres, Act 17. say, [„That „they resolve not to put in his Maj. hands, or any others what„soever, any such power whereby the forsaid ends of the Co„venant, or any of them, may be obstructed or opposed, Re„ligion, or Presbyterian government endangered; But on „the contrary, before any agreement or condition be made „with his Maj. (having found his late concessions & offers „concerning religion not satisfactory) that he give assurance

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„ by his solemne oath under his hand & seal, that he shall for „ himself & his Successours give his Royall assent & agree to „ such act or acts of Parliament, or bills, as shall be presented „ to him, by his Parliaments of both, or either Kingdoms *respectivè*? for enjoyning the League & Covenant, & fully „ establishing presbyteriall government, directory of worship „ confession of faith in all his Maj. Dominions: And that his „ Maj. shall never make any opposition to any of these, nor endeavour any change thereof.]

What this Author sayeth more in the three last Pages of his pamphlet is but partly a repetition of what he said before, & so is answered, & partly obviated by the preceeding discourse.

Section XXIII.

The nationall Covenant vindicated from the exceptions of the author of the seasonable case & cat.

His plea against the Solemne league & Covenant being thus examined; In the next place, his exceptions against the nationall Covenant pag. 30. 31. &c. must be considered.

This Covenant is not abjured in the declaration simply & in it self; but as it was sworne & explained in the year 1638. & thereafter: And so the maine ground whereupon this Covenant is cast off, is becaus of that explication which was then added, in which therewas mention made of some things, which were referred unto the Generall assembly, in these words [„for- „ bearing the practice of all novations already introduced in the „ matters of the worshipe of God, or approbation of the corruptions of the publick governement of the kirk, or civil „ places or power of kirkmen, till they be tryed & allowed in

„ free generall assemblies, & in parliaments.] And then after the generall assembly had examined these particulars, & explained the true sense & meaning of the Covenant, this conclusion was added. [„ The article of this Covenant, which „ was at the first subscription referred to the determination of „ the generall Assembly, being determined; And thereby the „ five Articles of *Perth*, the government of the Kirk by „ *Bishops*, the civill place & power of Kirk-men —— upon the „ reasons & grounds, contained in the Acts of the generall „ Assembly, declared to be unlawfull within this Kirk, we „ subscribe according to the determination foresaid.] The foresaid pleader for *Baal*, when he is producing his grounds against the validity of this oath, pitcheth only upon one of these three particulars mentioned, viz. the government of the Church by Bishops, & in reference to this, he attempteth two things, in his confused discourse. 1. He would (if he could) prove, that by this oath, as it was at first conceived, *Anno* 1580. & 1581. & renewed *Anno* 1590. the governement of the Church by Bishops was not abjured; And 2. That the Assembly *Anno* 1638. did wrong, in giving such a glosse & sense, as they did.

But he must be followed κατὰ πόδας lest any thing should escape; & first what he bringeth to prove that Prelacy was not abjured by this Covenant, must be examined.

He sayeth, *That if the Ministers who reasoned with the Doctors of Aberdeen be to be beleeved (& they were the prime promotters of the Covenant, & carryed with them the sense of the body of the Covenanters) they who subscribed that Covenant, might, with great liberty, voice in an Assembly, concerning Episcopacy, without prejudice, notwithstanding their oath; & upon this ground would perswade the Doctors to subscribe the Covenant, because in so doing they should not be taken, as abjureing Episcopacy, as the Doctors thought*; And he referreth his reader unto their answer unto the 4. & 10. demands.

Unto which it is *Ans.* 1. That this is but the old answere brought on the field againe; for it was alledged by the Prelats in a pamphlet *An.* 1638. emitted under the name of his Maj.

commissioner (as most, if not all, which he here alledgeth is borrowed out of that pamphlet) & what answers were then given, may now suffice. Viz. That these Ministers who reasoned with the Doctors of *Aberdeen*, denyed indeed, that Episcopacy was expresly & specifically abjured, in the later part of the Covenant, which was the addition containeing the application unto the present times; But did never say that it was not abjured in the negative confession, or nationall Covenant: Now it was about that application & addition, that the debate arose betwixt these Ministers & the Doctors; The Doctors never refused to subscribe the negative confession, as it was called, or the Covenant drawne up *Anno* 1580, & 1581. for when the privy Councell did emit a declaration, enjoyning all to take the Covenant, as it was taken *Anno* 1580, 1581, & 1590, & 1591. as others did not, so neither would they have scrupled at the same: But they alwayes refused to subscribe to that part which was added, and one of the grounds, why they did scruple at the subscribeing of that, was this. They thought that by that addition, they should be bound expresly, directly, & specifically to abjure Episcopacy, & the ceremonies of *Perth*, which (as they sayd) they could not in conscience do; Becaus then they should not have liberty to vote freely, according to their judgments, Concerning those things, in the Generall Assembly: And unto this the Ministers answered that the words of that addition were purposely so contrived as none might scruple upon that account; And indeed as to Prelacy the words run thus *that they should forbear the approbation of the corruptions of the publick Government of the Kirk.* And the reason was, becaus there were severall honest & well minded people in the land, who could not distinctly & clearly see, that the ceremonies, & the Government of the Church by prelats, were directly, contrary to the confession of faith, & abjured therein; But were waiting for light in those matters, from the ensueing Generall assembly, who, they knew, could give most clearnesse in the matter of fact; And could best show what was the Government of the Church, at that

time when the nationall Covenant was first subscribed; And also what was the meaning of the reformers as to severall particulars in that Covenant. So then, though it be true, that by taking of the oath, or swearing that additionall explication, *Anno* 1638, No man was bound up from reasoning & debateing, nor from free voteing in the matter of prelacy in the nationall Assembly: Yet it will not follow that prelacy was not abjured, by the negative confession or nationall Covenant; for though the sense & meaning of the oath *Anno* 1581, Was not alike clear unto all, *Anno* 1638. Either as concerning prelacy or ceremonies: Yet the Covenant did strick against those as was afterward cleared. The Covenant hath still one sense & meaning, though such as did live fifty & eight yeers after it was first drawn up; could not alike see it & discerne it. It was but little wonder that at such a distance of time, after so many revolutions, the true sense & meaning thereof could not be so obvious unto all, As to overcome all doubts & scruples; And therefore it was prudently resolved, to suspend their approbation of those particulars, till they were tryed in free assemblies: And indeed so soon as the Assembly 1638 Did search into the businesse, & cleare the true meaning of the Covenant, according to the sense of the reformers all scruples were loosed, & the people did chearfully assent unto the Assemblies determination; For then they saw that by that Covenant, The Ceremonies of *Perth* Assembly, & the Government of the Church by prelats, were abjured. And it may be supposed, that this author will not be so bold as to say that ever after that assembly, wherein that businesse was cleared, any said that such as took that Covenant, were left at liberty to vote for prelacy, or for the ceremonies. So then this author bewrayeth much ignorance or maliciousnesse, or both; when he thus argueth as he doth: Let him read the answers of those Ministers in these places cited by himself, & he shall be able, if he will, to see his mistakes.

One of the grounds whereupon the Assembly 1638. did determine that Episcopacy was abjured by the Covenant which was sworne, *Anno* 1580. &c. was taken from these words in the

he Covenant *his wicked hierarchy*, as may be seen at the end of heir act sess. 16. And to this he answereth, thus. *This imports not he abjuration of the office of a Bishop, more then the office of a resbyter, or deacon, which are parts of the hierarchy, as well as Bishops; but only the abjuration of the hierarchy so far as it was he pop's; as it abjureth the five bastard sacraments, So far as he maketh them sacraments: So then the dependence of these offices on him as the head of the Church under Christ, is abjured, & also the corruption adhereing to these offices, and as they flow from him and are his, as is his blasphemous priesthood: And not the offices themselves: And therefore the office of a Bishop among protestants (Bishops being now looosed from that dependence upon the sea of* Rome) *is no part of the pope's hierarchy.* This is the summe of his long discourse, and it may be shortly answered thus. That if the abjureing the hierarchy import the abjureing of the offices which are parts of the hierarchy, in so far as they depend on him, & are corrupted by him, then it will fully import the abjureing of prelats; Because prelats depend on him, as well *in esse* as *in operari*, & therefore they must be abjured with this wicked hierarchy. It is well known that at the Councell of *Trent* the Pope would not suffer it to be debated, whether Bishops were *juris divini* or not, & the Historian *Peter Suave*, addeth the reason, viz. lest if it should be determined that they were *juris Divini* they should not so depend upon him, as they did, & he would have them continueing to do: So that hence it is clear, that the *Pope* acknowledgeth that they depend upon himself alone, even in their being, & have no other ground to stand upon, & therefore when his hierarchy is abjured, they in their essence & being are abjured. It is true, if he, or any of his fraternity, had ever demonstrated out of the word of God, that Christ or his Apostles did ever institute such an officer, distinct from a preaching presbyter, as is the prelate, as may be done concerning the *Presbyter* & the *deacon*, & as himself will readily grant; Then indeed it would follow that the abjureing of the *pope's hierarchy* would import no more then the abjureing of those corruptions which Attend those officers, as these which attend

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presbyters & deacons, as they depend on him, as the abjureing of his five bastard sacraments, importeth not the abjureing of marriage in it self being an ordinance of God, but only as it was abused by him, to be a sacrament. But seing it is not yet proved nor undertaken, by this author, to be proved, nor was ever asserted by the reformers of that Church, no not by *Mr Craig* the penner of the Covenant, That *Prelats*, as superiour unto, & distinct from *preaching presbyters*, are officers of God's appoyntment; certanely when they are abjured, they are simply abjured. So that, till he demonstratively cleare, That Christ or his Apostles did institute *Bishops* distinct from *preaching presbyters*, he must acknowledge a difference betwixt them & *presbyters* & *deacons*, as to the matter of abjureing them: And so when all those three are abjured, they cannot be abjured after one & the same manner: But the office of *presbyters* & *deacons* are abjured in respect of their abuse, that is, the abuse & corruption which adhereth to these officers, as they are made parts of the hierarchy, is abjured: But when *prelats* are abjured, not only is their abuse, or the corruption adhereing to them, abjured; but the very use is abjured; for the use of an officer not appoynted of Christ, is an abuse, and *Prelats*, as to their being, depend only on the *pope*.

But (sayes he) *Bishops now being loosed from that dependence from the sea of* Rome, *& the* Pope, *who as head of the Church, claimed a plenitude of power over the whole Church, & made all Christian Bishops and Ministers, but as his slaves & vassels, portioning out to them such measure of jurisdiction, as he thought fit, as their stiles in this countrey imported of old.* Ego N. Dei, Apostolicæ sedis gratiâ Episcopus: *the office of a Bishop is no part of the wicked hierarchy*, *Ans.* This was sufficiently answered by the nationall assembly, 1638. in the forecited Act, where they said [*And howbeit this hierarchy be called the antichrists hierarchy; yet it is not to distinguish betwixt the hierarchy, in the popish kirk, and any other as lawfull, but the hierarchy wherever it is, is called his, as the rest of the popish corruptions, are called his* viz. Invocation of saints, canonization of saints, dedication of altars, &c. *are called his, not that there is another lawfull invocation*

vocation and canonization of saints, or dedication of Altars So that the Bishops their casting off the *Pope* as the head of the Church, will not bring them out from among the officers, & parts of that wicked *hierarchy*. In so far as protestant Churches admit of prelats, in so far they are unreformed from popery, this being one debate betwixt papists & protestants. It was the prelates their depending on the *Pope* that made the scottish reformers condemne them, as his *Hierarchy*, otherwise they should have condemned all the other articles of popery, only in so far as they did depend on him, & no otherwise: And so should have yeelded, that if the King, by vertue of his headship over the Church, should command, & enjoyn the practice of any of those articles condemned in the Covenant, they might be done in obedience unto him, if they were abjured, only as they had dependence on the *Pope* & came from him. But this is false, for they are condemned as being a part of *a contrary religion and doctrine, damned and confuted by the word of God and Kirk of Scotland*: & so, upon the same account, are the Prelats abjured, whether they depend upon an ecclesiastick *Pope*, or upon a civill *Pope*, whether they be *Apostolicæ sedis gratiâ Episcopi*, or *Iacobi*, or *Caroligratiâ Episcopi*, they are damned & confuted by the word of God, & are not *Christi gratiâ Episcopi*: And so are abjured as unwarranted officers in the house of God; even as ordination & marriage are degraded from being sacraments; so are they from being Church officers.

But to put a close to this second particular, it would be considered, that in the Covenant, the office of prelats is abjured, when the *hierarchy* is abjured, the same way that *confirmation & extreme unction* are abjured, when the five bastard sacraments are abjured; that is to say, both the use & the abuse is abjured; for they both want warrand in the word, & therefore ought not to be: & to maintaine either, is to maintaine false Doctrine, & poynts of Popery condemned in the word. Might not a Papist pleading for *extreme unction* & for *orders* (including their *septem sacramentula*, or inferiour orders, as their *Ostiarii, Lectores, exorcistæ, Acolythi, Subdiaceni, Diaceni, Sacerdotes.* (which they meane by their sacrament of order (& not mere

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ordination, as this author seemeth to take for their meaning) if judicious *Calvin* hit right, in his institutions,) say that when the *Pope's* five bastard Sacraments were abjured, the use & being of all these officers (there is no dispute about two of them upon the matter) was not abjured; But only in so far as they were Sacraments: And *extrem unction* only in so far as it was a Sacrament: And what this author would reply in this case, for defence of the protestant reformers, (& though it may be, this author would swallow downe all those poynts of Popery & many more; Yet he will not have the boldnesse to say, that such officers as to their *esse* & being were not abjured by the reformers) the same may now be answered in the case under consideration.

But he goeth on pag. 32. & would make his reader beleeve. That King *Iames* the enjoyner of that Covenant did never intend the abjuration of the office of Episcopacy, & that for these reasons. 1. Mr John Craig *who penned the same did but nine yeers before, viz.* Jan. 12. 1571. *consent at* Leth, *that commissioners might be appoynted, to joyne with these whom the Councell should appoynt, for setling of the policy of the Church, whereof he was one. The resolution of which meeting was that some of the most eminent Ministers should be chosen, by the chapters of the cathedrall Churches, to whom vacand Archbishopricks may be disponed, and they to have power of ordination and to exerce spirituall jurisdiction, in their severall dioeces; and at the ordination of ministers, to exact an oath of them, for acknowledging his Maj. authority, and for obedience to their ordinary, in all things lawfull: and accordingly it was done: Against which the next assembly at* St Andrews, March. 1571. *take no exceptions, and at the next Assembly* 1572. *These articles are received with a protestation, that it was only for the* Interim. *So then the learned penner allowed of Bishops, a few yeers before, and we see no evidence of the change of his minde. How could he then mean protestant Bishops in that draught.*

Ans. These are pretty demonstrations to prove the *verity* of a thing, to say first *Mr Iohn Craig* was for Bishops *Anno* 1571. *Ergo* he was for Bishops *Anno* 1580. as if a man's minde could not

not change in Nine or Ten Yeers time, specially it being a time of reformation, when light was breaking up more clear dayly. But next this is a more pregnant demonstration, to say King *James* intended no such thing *Anno* 1580. because *Mr John Craig* had no such intention Nine Yeers before. Is not this well argued? But to the matter: It is true there were such things concluded at that meeting, but whether with the unanimous consent of all, or not, who can tell? But be it so, that this honest man was oversweyed with the rest, by the violence of the court, & some nobles who designed the *Tulchan* Bishops (as they were called) yet it is very improbable, that he did persist in that judgment full Nine Yeers thereafter considering how much all that time the honest Ministers were setting themselves to oppose that act: For the Assembly which did meet at *S. Andrews* two moneths thereafter, took notice of these articles & did appoynt some of their number to examine them, so great was the exception which they took at them. And *Anno* 1572. there was a protestation against these innovations. & 1573. the Assembly determined, that whatever Bishops there were, they should have no more power then the former superintendents had, & censured some as the Bishops of *Dunkell* & *Galloway*: And to this same purpose were there acts made *Anno* 1574. And *Anno* 1575, the office both of Bishops & of superintendents came to be questioned, & debated, & a little thereafter they signified to the Regent, that they would not agree unto that polity condescended on at *Leth*, but some of their number were appoynted to draw up the second book of discipline which book *Anno* 1577. & 1578. Was fully approved: & having proceeded thus far they caused severall of the Bishops subscribe severall articles denudeing themselves of their episcopall power. Now when the Church is at all this work, shall it be thought that this honest man (even supposeing he had been of that judgement, which cannot be proved) was still of a judgement contrary to the judgement of the Church: And did not all this time alter his minde, especially seing the Church did look upon him as a faithfull friend for presbyterian government, & therefore did appoynt him with other five to

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consult with, Mr *Alexander Hay* about the modell or plot of presbyteries? But it is not much matter to debate what was the penman's judgment at the time: the Covenant it self, & the words thereof are to be considered, & the meaning of the land, in taking that oath, is much to be regairded, & what that was, shall be showne by & by.

But. 2. He sayes, pag. 33. as to King *Iames*. It could not be his intention to put away Bishops, *Because at that time* Anno 1580. *there was no other Government known in the Church, all ordinarim and iurisdiction being exercised by Bishops or superintendents or commissioners*; *And these, Though the assembly quarrelled them, were reall Bishops: And would the* King, *by his oath abjure that Church Government which was not rejected by the Church, till July* 12. 1580. *And in the yeer* 1581. *Though the King & Councell had presented the confession to the Assembly to be subscribed by them, & by the people, in their parishes: yet that very same yeer, within six moneths thereafter, there is an act of councell confirming expresly the agreement at* Leth 1571. *And this act of Councell the King did openly avow in the businesse of Montgomery. Now it is not probable that the King & Councell, if they intended to abjure episcopacy by the confession, would within six moneths confirme that agreement at Leth. Ans.* 1. It hath been shown but just now, that severall yeers before the yeer 1580, The Generall assemblies of that Church were declareing themselves against prelats, & their power, & were acting so far as lay in their power, (and that was much, considering what opposition they did meet with) for presbyterian government. 2. It is certaine that Church Government by prelats, was never approved by any of the generall assemblies, in those dayes. 3. Though before the yeer 1580. The Assembly did not formally passe an act against Episcopacy: Yet was it not equivalent when *Anno* 1577. & 1578. The second book of discipline, which overtutneth the Government of the Church by Bishops, was approved? 4. This same act of the Generall Assembly at *Dundee* was before the subscribeing of the Covenant; For it was in *July*, & the Command for subscribeing of the Covenant, came not forth till the 2 *March* thereafter, & that 2d.

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of *march* was laid to be, *Anno* 1580. as well as *July* before, becauſe at that time, the denomination of the new yeer did not begin in *Scotland*, untill the 25 of *March* & ſo it is his miſtake to think that the Covenant was enjoyned to be ſubſcribed, ſix moneths before the Act at *Dundee*. 5. Whereas he ſayes that, *An.* 1580. there was no ſuch thing in *Scotland* as government by presbyteries; if he meane that that government was not ſetled thorow the whole Kingdom, he ſpeaks truth; but nothing to the purpoſe; but if he meane, that in no part of the countrey there was any ſuch government, he is miſtaken; for at the aſſembly, *Anno* 1578. there was mention made of presbyteries, for amongſt the articles which this aſſembly drew up, to be ſubſcribed by thoſe prelats, whom they had cauſed cite before them; this was one, viz the 6. that they ſhould not *Empire over eldership but be ſubject to them* & the 7. was that they *ſhould not uſurpe the power of presbyteries:* So that there were presbyteries in the land, at that time: Yea the narrative of the 131. Act, parl. 8. King Jam. 6. *Anno* 1584. maketh mention of *ſindry formes of judgments & juriſdictions, as well in ſpirituall as temporall cauſes, entered in practice, and cuſtome, and that dureing* 24. *yeers by paſt*; & thoſe formes of judgments & juriſdictions in ſpirituall cauſes, were aſſemblies Synodall, presbyteriall, & parochiall, all which were diſcharged by that Act: And hence it is clear that there were ſuch judicatories in the land before the yeer, 1580. Moreover at the Aſſembly, 1579. there was a motion made about a generall order to be taken, for erecting of presbyteries in places where publick exerciſe was uſed, untill the policy of the Church were eſtabliſhed by law: & it was anſwered *that the exerciſe may be judged to be a presbytery.* So that the Kingdom at that time was not without presbyteries: Yea their frequent nationall aſſemblies, ſhew that the Church was governed presbyterially. 6. This is certane, That there was ſome government of the Church ſworne to, in that Covenant; for there are theſe word in it [*That we joyne ourſelves to this reformed kirk in doctrine faith, religion, and diſcipline promiſeing, and ſwearing by the great name of God, that we ſhall continue in the doctrine and diſcipline of this*

Kirk and defend the same according to our vocation and power all the dayes of our life] Now, all the difficulty is to know what this government was, And it is certane, That either it was the government by *presbyteries* or the government by *prelats*. It could not be the government by *prelats*. 1. becauſe that was not the government & diſcipline of the Kirk, but the government & diſcipline againſt which the Church had been ſtriveing with all her might. 2. It is not imaginable that the Miniſtery of the land, would ſwear to defend the government of the Church by prelats, all the dayes of their lives, when they were uſeing all meanes, to have the Church free of that yoke. 3. When the confeſſion of faith was preſented unto the gen. aſſembly to be ſubſcribed by them, An. 1581. would they have aſſented unto the ſame if thereby they had been bound to maintaine prelacy, ſeing at their very laſt meeting, they had made ſuch an expreſſe Act againſt prelats? 4. When the Laird of *Caprinton*, his Maj. commiſſioner, did preſente unto the generall Aſſembly, the *confeſſion of faith*, or *nationall Covenant*, he preſented withall from his Maj. a plot of the ſeverall presbyteries to be erected in the Kingdome, mentioning the presbyteriall meeting places, & deſigneing the ſeverall parishes, which should belong to ſuch & ſuch presbyteries: As alſo a letter from his Maj. to the noblemen & gentlemen of the countrey, for the erection of presbyteries, conſiſting of Miniſters & elders, & for diſſolution of prelacies: may not any hence argue, after the author's manner, & ſay, is it any way probable, that the King & Councell, if they intended to eſtabli h prelacy by the confeſſion of faith, would in that ſelf ſame day (which is a shorter time then halfe a yeer) wherein the confeſſion was preſented as ſubſcribed by the King, & his houshold, & to be ſubſcribed by the aſſemoy, preſente ſuch a plot for presbyteries thorow the whole Kingdom, &c? Let this advocat anſwere this if he can. It muſt then be an undoubted truth, That the governement, ſworne to in that nationall Covenant was presbyterian government. 7. And whereas he ſayeth the King within Six moneths thereafter did ſtand to the agreement at *Leth*, & avowed it in the buſineſſe concerning *Montgomery*, it will not ſay much, if

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be considered how at that time *Aubignee* grew great at court, & (as was shown above, Sect 1.) Obtained the superiority of *Glasgow*, & made a faction with *Montgomery*. And when the Church judicatures were examineing the carriage of this *Montgomery* first & last, he stirred up the King against them: & what will all this say, But that Kings had need of faithfull & constant counsellours about them, lest they be made to unloe their owne works, in a short time. There was many a change at court, & as contrary parties gote up, so was the King weyed.

He addeth. *That neither did the assembly or any Minister speak of that deed of the King's & Councelles, as contrary to the Covenant (albeit in these dayes they had a way of using liberty enough, & more then was fitting.) Ans.* It would become his gentleman to speak sparcingly of these zealous & stedfast worthies, who lived in those dayes, & whose name for their piety, constancy & zeal, shall smell most fragrantly, when his may be rotting above the ground. It is like he would suffer sin to be upon King & court, & sell his soul & conscience, by sinfull silence in a day of defection, & thus declare himself a priest of *Baal*, & none of the messengers of the Lord of hosts; who should set the trumpet unto th ir mouth. But to the purpose. Whether the assemblies & Ministers, did, at that time, speak of the deed of the King, & of the Councell, as contrary to the Covenant, or not, who can tell? This is known, that both assemblies & Ministers understood, that King & court & all the land, were bound to owne presbyterian government, by vertue of that Covenant, severall times thereafter. There is a letter which *Mr Andrew Melvin* (who no doubt knew the minde of the assemblies) wrote unto divines abroad, *An.* 1584. in which, speaking of the discipline of the Church he sayeth (as reverend *Mr Petree* citeth in his history *Pag.* 443.) *And three yeers since was approved, sealed & confirmed, with profession of faith, subscription of hand, & religion of oath by the King & every subject of every state particularly.* *Mr Petree* also sayeth *Pag.* 570. That *An.* 1604. when *Mr John Spottiswood* & *Mr James law*, were accused by the Synod of *Lothian* for

overturning the discipline of the Church, & had denyed the same: The Synod did presente the confession of faith to be subscribed by them, & so, in the judgment of the Synod, this confession did containe an abjuration of prelacy, & a promise of maintaining of presbyterian government. And again when the ministers were impannelled at *Lithgow* for treason & sedition, for meeting at *Aberdeen* 1605. *Mr Forbes* (who was one of them) had a discourse to the gentlemen who were to the assise, & shewed that they were bound by the national Covenant to maintaine the discipline of the Church, & having read the same unto them, he infered that they should be guilty of perjury, if for fear or pleasure, they should decerne that to be treason which themselves had sworne & subscribed: & he desired the Earle of *Dumbar* to report unto the King, in their names what punishement followed upon the breach of the oath made unto the *Gibeonites*, & how it was feared that the like should follow upon his Maj. & his posterity. Yea this author himself sayeth *Pag.* 13. *that Ministers then accounted themselves, as really bound against the allowance of Episcopall government, both by the Covenant & by the word of God, as any do judge themselves engadged against it by late bonds, whether they did mistake in this or not, we say nothing, but that they did so judge, is out of all question*, But. 2. This author cannot with any good ground say that assemblies & Ministers did not then speak of that which King & Councell did, as contrary to the Covenant; for a negative testimony from humane history is the weakest of all arguments. Moreover, this is certane, that the courts of Christ both nationall, provinciall, & classicall, were, at this time, going on faithfully in their work, keeping their meetings, & censureing that perverse man *Mr Montgomery* who *Protcus* like changed often & licked up his own vomit, notwithstanding of all the prohibitions or inhibitions they gote from his Maj. They openly protested before the King & his Councell, for the liberties of the Church, & supplicated, & exhorted his Maj. that as a chief member of the Church, he would have a chief care thereof, & they complained that he was playing the Pope, usurping both swords: all which will speak something equi-

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valent unto that wich this author alledgeth they did not speak.

But in the next place, as touching the assembly 1638. their declaration of the sense of the Covenant, he hath somewhat to say as. 1. *That it seemeth strange that any assembly should take upon them to declare, what was the sense of the Church in taking a Covenant, when few or none of the men were living, who took that Covenant, or if living, few or none of them were members of that assembly* 1638. *as*, juramentum est vinculum personale; *so, no man or company of men can take upon them to define, what was the sense of dead men, in taking an oath, unlesse they can produce some authentick expresse evidence that such was their meaning in taking the oath. Ans.* 1. By this argueing, the sense & meaning of a Covenant perisheth with the Covenanters. 2. It is true *juramentum* or *foedus personale est vinculum personale*; but there is another Covenant that is called *fœdus reale* (of which kinde this nationall Covenant was) & the *vinculum* of this, is more then *personale*, it obligeth moe then such as did personally take it. 3. Therefore this Covenant being a nationall reall Covenant, obligeing the land in all time coming, posterity is called to search & to see very exactly & narrowly into the sense & meaning of the Covenant, they are obliged to know the nature of that Covenant by which themselves stand bound before God. 4. Who is more fit to give the sense of the Church in taking a Covenant, then a Generall assembly of the Church? 5. It was shown before, what was the constant judgement of the honest Ministers concerning the sense of this Covenant, even in the time when prelats were heighly advanced, out of this same author; & so the true sense of the nationall Covenant, hath come down from father to son, amongst the honest partie, even in the most corrupt times: & then, the Assembly at *Glasgow* was so much the more *in tuto*. 6. The Assembly at *Glasgow* did produce authentick expresse evidences, that such was the meaning & sense of those, who first entered into Covenant.

To this, he is pleased to say. *That all that which they produce*

ed amounts to nothing more then this, that before; July 1580. The Church had been labouring againſt Bishops, who notwithſtanding continued and thereafter, but all their citations prove not that Epiſcopacy was abjured by the Covenant or any words in it. Anſ. 1. This is certaine, that in that Covenant, ſome Government or diſcipline was ſworne to be continued in, & defended, as the exprene words, before cited, do ſhew. 2. It is certane, that this diſcipline or government of the Church, was either prelacy, or presbyterian Government (there not being a third competitour) & if it was prelacy, presbyterian governement, was abjured, & if it was presbyterian governement, then prelacy was abjured. 3. It is certane, that if it were once cleared, what that governement was, which the Church of *Scotland*, in & about that time, did owne, as the only governement of the Church, it would ſoon be cleared what that governement was, which by this covenant they were bound to owne & to continue in; & conſequently what governement was abjured thereby. Therefore all the difficulty is to know what that government was, which the Church did owne; & yet there is no difficulty here, for it is as clear, as the ſun at noonday, that it was Church governement by presbyteries, Synods, & aſſemblies, which they, both before, at, & after that time did owne & defend, till it was violently taken away: And if the citations of the aſſembly 1638, will amount to this, they will ſufficiently declare that Epiſcopacy was abjured, at that time: And whether their citations ſhall do ſo or not, the indifferent reader may judge, when he hath conſidered & laid together theſe two & twenty particulars, into which, the citations ſhall be branched forth. 1. When the Church had been wreſling & could not prevaile againſt Bishops, from the yeer 1571 unto the yeer 1575, & being continually wearied with complaints given in againſt them, they entered at laſt into a ſearch of the office it ſelf, & did agree in this, that the name *Bishop* was common to every one, who had a particular flock, to which he preached & adminiſtrated the ſacraments; & ſo it could not deſign a diſtinct officer. 2. *Anno* 1576. the aſſembly did cenſure ſuch prelats, as had not betaken themſelves to ſome

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particular flocks. 3. In the assembly 1578 the second book of discipline was unanimously agreed upon. 4. At another assembly, that same yeer, the moderator told *Montrose*, *Chancelor Seaton*, & *Lindsay*. *That they had drawn up, out of the pure fountaine of God's word such a discipline as was meet to remaine in this kirk.* 5. At that same assembly, it was ordained that such as were called Bishops, should be content to be pastours of one flock; should usurp no criminall jurisdiction; should not vote in Parliament without a commission from the kirk; should not Empire over their particular elderships; & should not usurpe the power of presbyteries. 6. *An.* 1579 The assembly judgeth that every meeting for exercise might be accounted a presbytery. 7. *An.* 1580. after deliberation, it was found that the office of prelats was pretended, & had no warrand in the word: And they ordained that such should dimit, & Leave the famine, as an office, unto which they were not called of God, & this was before (as was said above,) the subscription of the Covenant. 8. The same assembly sendeth some commissioners to his Maj. desireing that the book of policy might be established by an Act of Councell, untill the meeting of a Parliament. 9. In the assembly 1581. At *Glasgow* the Act of the former assembly at *Dundee* was explained, & it was showne that thereby the Church did condemne the whole state of Bishops, as they were then in *Scotland*. 10. At this assembly the confession of faith was presented, & the plot of presbyteries, with the King's letter to the noblemen & gentlemen of the countrey, for furthering the erection of presbyteries: & thus at the very presenting of the confession to the assembly, to be subscribed, the King & the assembly agree in one judgement, as to the governement of the Church, viz. That it should be presbyteriall, & according to this harmonious desire, presbyteries were erected in severall places. 11. In that same assembly, The second book of discipline was insert in the registres of the Church, & immediatly after, the Covenant was insert; That all posterity might see that the governement, which they swore to maintaine & owne in the confession or Covenant, was the same which was

contained in the book of discipline, & thus that book of discipline & the confession or Covenant did harmoniously accord, 12. *Anno* 1581. The assembly would not suffer Mr *Montgomery* Minister at *Sterlin* to become bishop of *Glasgow*, but commanded him to waite on his Ministery at *Sterlin* under the paine of excommunication. 13. In the same assembly, it was acknowledged that the Estate of Bishops was condemned by the kirk, a commission for erecting of moe presbyteries, was granted, and a new ordinance made for subscribeing the Covenant; can any man now doubt, what that government was which the Church in those dayes owned by that Covenant? 14. *Anno* 1582. a new commission was granted, for erecting of moe presbyteries, & Mr *Montgomery* for usurping the place of a bishop, was ordained to be excommunicated; for presbytery & prelacy are incompatible. 15. In another assembly that same yeer, commission was given to some presbyteries to try & censure such as were called bishops, and some were sent unto the Councill to desire their approbation of an Act, for establishing of presbyteries, Synods & assemblies; did the Church incline any thing to prelacy then? 16. *Anno* 1586. It was determined at an assembly that there are no other Church officers set down in the scripture, beside *Pastors*, *Doctors*; *Elders* & *Deacons* that should be in the Church now. 17. *Anno* 1587. It was ordained at an Assembly, that the admission of Mr *Montgomery*, suppose but to the temporality of the bishoprick of *Glasgow*, should be annulled with all possible diligence, that slander might be removed from the Church. 18. In the same Assembly, there was a letter drawn up unto his Maj. shewing that *they found the office of bishops not agreable to the word of God, but damned in diverse assemblies*. 19. *Anno* 1590. when the confession or Covenant was subscribed universally of new, the assembly desired *a ratification of the liberties of the Kirk, in her jurisdiction* & *discipline in presbyteries, Synods, and generall assemblies*. 20. It was ordained also, that all intrants should subscribe the book of discipline, especially the heads controverted, & also all who were presently in office, under the paine of excommunication. 21. In the assembly, 1591. the fore-

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mentioned Act was renewed. 22. *Anno* 1592. commissioners were sent to attend the Parliament, & to desire a rescindeing of the Acts of Parliament, *Anno* 1584. made in prejudice of of the Church, & a ratifying of the discipline of the Church, both which were granted: now the reader may judge from these particulars, what was the sense of the Church of *Scotland*, at that time, of the confession or Covenant; & whether these citations amount to any thing or not; And whether or not, this author had any reason to slight, & undervalue, so far as he doth, the paines taken by that reverend Assembly, to cleare the oath, according to the sense of those who first took it.

But he addeth *That Episcopacy was not accounted unlawfull, even in the judgment of the assembly of the Church, within Six yeers after, where it was declared. That the name bishop, hath a speciall charge & function thereto annexed, by the word of God; and that such may be admitted to abe office Ans.* It is true, *Anno* 1586. there was a conference drawn on at *Haly rudehouse* by the King, betwixt some Ministers, & some whom he did commissionat, which did conclude that the Bishop should have a care of one flock; That he should have some choise brethren added, without whose counsell he should do nothing, under the paine of deposition. That his doctrine should be examined by the meeting, & if it were found unsound, he should lose his place. That his power should only be the power of *order* & not of *jurisdiction*. That withall, he should have inspection over moe parishes, & that every Minister who was to enter, should have his approbation, & the approbation of those Ministers who were to be joyned with him, &c. But when the assembly did meet in *May* thereafter, these were not assented unto. But it was only concluded That the bishop, being a pastour, as other ordinary Ministers, should be tryed by the presbytery & Synod, in matter of doctrine & conversation; And be subject unto the Generall assemblies: & when the commissioners, who were sent from his Maj. did hear of this; they dissented, & protested, that nothing concluded should stand in force; seing they had passed from the Articles. And this occasioned a new confe-

rence, where that was concluded which this author mentioneth, & withall they did proceed to set down the order of the presbyteries: Now, lest any should stumble at this change in the Assembly, let it be considered, That two yeers before this, there was a strange change at court; for *Arran* ruled all, nobles were banished & ministers were forced to flee, others imprisoned, & then the Prelats got up their heads, *Montgomerie* was made Bishop of *Glasgow*, & one Mr *Adamsone* made Bishop of *Saint Andrews*: And Ministers were compelled to promise, under their subscription, obedience unto them, & to consent unto many other acts of iniquity, under the paine of banishment, confinement, imprisonment, depositon, & sequestration of stipends, & this course continued till near the end of the year 1585. When the exiled nobles returned, though a new Parliament was called, the King would not repeale any act, which was made in prejudice of the Church, the yeer before; Yet at length he professed some desires to have the Church settled & called for that conference at *Halirudhouse*. Now what wonder was it, that when all was overturned, & Prelats established by Parl. in their full power, that the Church should take little ere she wanted all, & should condescend to some things, of purpose to get the power of prelats hemmed in, hopeing when this furious tempest was fully blowne over, that she should be in a better capacity to promove her work; And withall it may be seen, that she holdeth as much as she can & mindeth the work of the presbyteries, notwithstanding of the lawes of the land, as yet unrepealed, standing against her. So that, hence it appeareth, that they never once thought of retracting the act at *Dundee* (as he would make his reader beleeve.) And it would be considered likewise, that at this Assembly there were severall of these Ministers present, who *Anno* 1584. had subscribed unto the prelats: And further it is considerable, That for as great a length as they went: Yet *Sess.* 6. They declared that there were only these Church officers, *Pastors*, *Doctors*, *Elders*, & *Deacons*; And that the name *Bishop* should not be taken as in the time of popery, but is a name common to all pastours; and *Sess.* 10. & 11. They declared

that

that by a *Bishop* they meane only such as the Apostle doth describe.

The last thing which he sayeth is this. *No Assembly can put an obligation upon persons who have taken an oath personally, to accept of the sense which they put upon it. It is true the assembly at Glasgow could declare their sense of the oath taken by themselves, but could not impose their sense upon the takers of the oath before, that sense not having been given to the takers of the oath by the imposers of the same, & the takers of the oath not having impowered these commissioners at* Glasgow *to declare their sense of that oath they had taken. So then whatever was done at* Glasgow, *after the Covenant was taken by the body of the land, could not oblige all the takers of it, to owne their declaration of the sense of the Covenant, which was not at first imposeing the oath, declared unto them.* To let passe his bitter reflections, not worth the transcribeing, upon that venerable assembly at *Glasgow* 1638. The like where of would make him & all his fraternity to tremble. *Ans.* 1. The Assembly at *Glasgow* did impose no sense of theirs, upon any man, either who took the Covenant before, or thereafter; only because to them, as the representative of the Church, the publick & judiciall interpretation of the Covenant or confession of faith, did properly belong, they made search after the true sense & meaning of the oath, & did declare & make it appear to all, by undenyable arguments (as hath been showne) that they had found out the true sense & meaning thereof, & what was the sense of the Church of *Scotland* when it was first imposed: And was there any wrong here? 2. Such as had renewed that Covenant at that time, & had taken it with the explicatory addition, did swear to forbear the approbation of Church Government by prelats, untill the Generall Assembly should try whether that Government was abjured by the Covenant or not: And was not that a sufficient impowering of the Assembly, to declare the true sense thereof? But what would this author gather from all this? He concludeth that, *Whatever the Assembly at* Glasgow *did after the Covenant was taken by the body of the land, could not oblige all the takers thereof, to owne their declaration of the sense of the Covenant.*

Ans.

Anſ. Though their deed could not oblige the body of the land to owne their ſenſe, yet the Covenant it ſelf did oblige them, & the body of the land did then ſee themſelves obliged, by the declaration of the true ſenſe of the Covenant, which they gave: And what neceſſity was there for more? The Aſſembly never offered to give a ſenſe of their own, which had not been heard of before; For that had been intolerable, but according to their place & duty, they, for the good of the land & ſatiſfaction of the Covenanters, ſearch, out of the authentick records of the Church, what was the ſenſe & meaning of the Church, at that time, when the Covenant was firſt taken, which every privat perſon could not be ſo able to do, & which neceſſity did require to be done; becauſe of ſeverall doubts which were raiſed there about.

He addeth, *& the body of the land hath not indeed abjured Epiſcopacy by that nationall Covenant. Neither the Covenant nor added interpretation, doth import any ſuch thing.* *Anſ.* This is a ſtrange thing: how can this be, ſeing the body of the people of the land, took that Covenant, by which (when firſt taken by the body of the land) prelacy was abjured? It is true, ſome who took the Covenant then, being unclear in a matter of fact (which had been done ſome fifty or ſixty yeers before, & in trying & ſearching out of which, there was ſome difficulty) whereby one article was unclear to them, at that time, could not think that prelacy was undoubtedly abjured: Yet others did, & thoſe ſame who at firſt did doubt, received light by the aſſemblies declaration, & then ſaw, that by the Covenant, when firſt taken by the Church, prelacy was abjured: And that by their taking of the Covenant, according to its true, genuine, native, & firſt ſenſe now diſcovered & made plaine (though before, as to this particular, unclear) they had alſo abjured the ſame governement of the Church by prelats. 2. How the Covenant it ſelf importeth the abjuration of prelacy, hath been showne above, & the added interpretation needed not import any ſuch thing.

Next he ſayes *Nor hath the body of the people of the land, by any after deeds, owned that aſſemblies ſenſeing of the Covenant.* *Anſ.*

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Neither was it necessary that they should do so; seing by taking of it, they did owne it in its true sense, & the Assembly did no more but declare which was its true sense, against which when declared, the body of the land did not protest, & therefore by their silence, did sufficiently declare their owneing of that sense as the only true sense. And further the after Actings of the body of the land, in prosecuteing the ends of that Covenant, did abundantly shew their owneing of that sense, & of none else.

Nor (sayeth he) *was there any Act of that assembly ordaineing that all should owne their determination of the sense there of. Ans.* And that, because there was no necessity for such an Act, their clearing of the true meaning of the oath, & shewing how it could be understood in no other sense, was sufficient. All such as took the Covenant, by a native undenyable consequence, behoved to take it, in this sense, & to owne the assemblies determination; because they behoved to take it, in its owne sense, & the assembly did no more but shew what that was. 2. There is an Act enjoyning all, in time coming (for avoiding any further doubt or dispute) to take it according to their determination, in the poynts then debated. And an other Act discharging any to take it, in any other sense. *True* (sayes he) *but few did so, & if any did so they are to consider whether they have been too rashly carryed on, in the current of that time, without a just examination of matters. Ans.* whether there were few or many that did so, all is one, since he thinketh it rashnesse in any to do it. But why was it rashnes to take a Covenant, & a lawfull Covenant, in its true sense? Can this be an Act of rashnes, or is it not rather an Act of wisdome & deliberation? But moreover was it rashnes to obey an Act of Councell made *Augst.* 3. 1639 Concerning this: & an Act of a generall assembly having the consent of, & civill sanction added by his Maj. commissioner? *Augst.* 17. 1639. sure, he will not be able to make this good.

Thus, is all which this author doth alledge against the obligeing force of the nationall Covenant answered. And now the reader may judge whether or not by vertue of that Covenant

which

which was imposed by lawfull authority, both by Church & state; & against which no exceptions of any force can be brought, the whole land standeth obliged against the governement of the Church by prelats: And whether there can be any clear ground or warrand, for abjureing of that Covenant, taken from any deed of the Assembly 1638, seing that assembly did nothing but cleare up the true sense & meaning of the Covenant, out of the authentick records of the Church, & their sense was approved by his Maj. commissioner & by an act of the privy Councell. And then *An.* 1640, all this was confirmed & ratified by Act of Parliament: So that it must be the height of impiety, to subscribe a declaration for abjuration of this Covenant.

Now may the world wonder at the boldnesse of men; who dar upon such slender grounds encourage others unto such horrid Acts of iniquity, at the hearing of which, heathens may stand astonished.

Yea, which is yet more wonderfull, it was publickly debated & concluded in Parliament. That no Covenant or promise made by the King to his subjects in the time of a civil warre is obligeing, but that so soon ever as occasion is offered he is at liberty to break the same (though even *Grotius* connot but say *de jur. bel. & Pac. Lib.* 2: c. 14, §, 6. that from a promise or a Covenant made by a King unto his subjects there ariseth a true & proper obligarion, which giveth right unto the subjects.) A resolution which may make all protestan- in (*Europe*, it may be, at least in) *Germany*, *France* *Pied*- & the *Low countreyes*, to tremble; for all the security which they have, for their liberties, & freedome of religion in peace & quietnesse, is upon a Covenant or promise, which was made to them in a civil war. And if Neighbour princes & Kings have this principle in their head & heart, protestants have need to be upon their guaird; For now they may see their neck and all in hazard, when ever any occasion is offered, & they need trust their Kings, & princes, no longer, then they see them out of a capacity to hurt. Must not those be bloody men whose

hearts

hearts do thus thirst for Christian blood, who have such bloody conclusions & resolutions. *No faith is to be keeped to heretickes* say papists: *& no faith is to be keeped unto subjects* say they. But what if this bloody resolution, which they did intend against others, shall recurre upon themselves? Reader, think not this impossible. Yea by this resolution they have laid down that ground, which in end, may prove the most destructive conclusion to the throne, that ever was hatched out of hell; for let it be but supponed (& what hath been, may be againe, & is not impossible) that there were a civill warre betwixt King & subjects, how shall it end? For now they shall never once come to a treaty, no Covenant, no agreement, no promise will ever be heard of, because there is no security in those, by their own confession: the war then must never end, till the one party do utterly destroy the other; & if the King shall utterly destroy his subjects, where shall his Kingdom be? And what glorious advantage will he have in that victory; And if the people prevail (& the manifold bypast experiences thorow the world hath made this appear to be the most probable of the two) & root out the King & all his posterity, & so overturn the throne, Let the world judge, who is most to be blamed. The Dutchesse of *Parma* gave such an answer at the first unto the nobles of the *Netherlands* when they desired her to minde her promise; *That she was not bound to do so, further then shee saw it for her advantage*, & the world now seeth, where & how that warre ended. *Buchan:* recordeth in his annalls, lib. 16. That when *Alex: Earle of Glencarne* & *Hugh Campbel* sheriff of *Aire* were sent unto the Queen regent, in name of the congregation, to deprecat her anger that was going out against them, & among other things they requested her to minde her promises: But she answered [*That princes should performe their promises no further then they see it for their own advantage.*] Unto which they replyed, that if so, They would passe from their allegiance & obedience, & acknowledge her no more for Queen. It was such a thing as this, which did animate the congregation, to withstand the Queen regent & the frenches; because (as sayeth *Bush. ubi supra*) they had to fight with an insociable & cruel adversay,

versary, which made light of all equity, right, law, promises, faith & oaths, so that upon every small gale of hope of advantage, they annull both their words & their deeds, & therefore there is no agreement to be made with them, nor no peace, till one of the parties be quite destroyed & overthrown, or else all the strangers be put out of the land: So that they must resolve either to overcome, or to die. And hence it was that a little, thereafter, when there was a treaty, there could be no peace concluded, because the reformed congregation, being so often deceived, could not beleeve their promises any more.

The CONCLUSION.

THus reader, thou hast a clear view of the present state & condition of the Church of *Scotland*, & the true grounds upon which, she is now suffering: Thou seest, how the wayes of *Zion* do mourn, & how the Lord hath covered her with a cloud, in his anger: how he hath violently taken away his tabernacle, as if it were of a garden, he hath destroyed his places of the assembly, & caused the solemne feasts & sabbaths to be forgotten in *Zion*: how he hath cast off his altar, abhorred his sanctuary, & given up into the hand of her enemyes the walls of her palaces; so that she is now made to cry out; is it nothing to you all yee that passe by, behold & see if there be any sorrow like unto my sorrow which is done unto me, wherewith the Lord hath afflicted me, in the day of his fierce anger; All who passe by, clap their hands at her, they hisse & wag their head saying is this the city that men call the perfection of beauty, the joy of the whole earth; all her enemies have opened their mouth against her, they hisse & gnash their teeth, they say, we have swallowed her up, certanely this is the day that we looked for, we have found, we have seen it: And therefore they are consulting to cut her off, that she may, no more be a nation,

nation. But which is worse, The anger of God is gone out against her; he hideth his face, & testifieth his displeasure against her, & her courses; And in so doing just & righteous is he; for she hath rebelled against him. It is the Lord who hath given her to the spoile & to the robbers, even he against whom she hath sinned, for she would not walk in his wayes, neither be obedient unto his law, therefore hath he poured upon her the fury of his anger, & the strength of battell, & it hath set her on fire round about, yet she knew it not, & it burned her, yet she laid it not to heart. Therefore let no man think, whatever apologie any make in her behalf, that she or they do intend to quarrell with the most high, for any of his dispensations towards her; Nay he is just & righteous in all his wayes, yea, though he should punish her yet Seven times more, it would become her to put her mouth in the dust, to be silent, & to bear the indignation of the Lord, because she hath sinned against him; And as yet, she must say, that whatever wrongs her enemies are doing to her, & how ever unjustly she be suffering at their hands; yet the righteous God is doing her no wrong, but punishing her lesse then her iniquities do deserve; so that as to his dealing with her, she hath no cause to complaine, for it is of the Lord's mercy that she is not consumed, because his compassions faile not.

And yet it cannot but be expected, that such as have tasted of the cup of affliction themselves, & have resisted unto blood striveing against sin, & have known by experience what refreshing hath been in the known sympathy of neighbour Churches, in the day of their tryall & temptation, will minde & make conscience of this Christian duty of sympathy towards the poor Church of *Scotland*, now when her enemies are the chief & prosper, & have spread out their hands, upon all her pleasant things, when her gates are desolat & her priests sighe. It cannot be thought, that such Churches as owne Christ for their head & husband, can look upon a poor bleeding sister Church which was once decked with ornaments, when her head and King took pleasure in her habitations; but now is striped naked & exposed to shame, & to the scorne, & contempt of her ene-

mies, & not have their eyes affecting their heart. Shall it be thought that there are any of the reformed Churches who *Esau*-like can look on the day of their sister, in the day that she is become a stranger, that can rejoyce over her in the day of her destruction, or speak proudly in the day of her distresse, or look on her affliction in the day of her calamity, or lay hands on her substance in the day of her calamity, or stand in the crosse way to cut off these of hers that escape, or deliver up those of hers that did remaine in the day of distresse? Nay, it is hoped, that as the elect of God, holy & beloved, they have put on bowells of mercies & kindenesse, & have learned to have compassion, & to love as brethren, & to be pitifull, & so cannot forget the afflictions of his people in those Islands, but do bear them on their heart when they have accesse unto the throne of grace, & say, spare thy people o Lord & give not thine heritage to reproach, that the heathen should rule over them, wherefore should they say among the people, where is their God? Seing it is the desire of that poor afflicted Church, that all would cry unto their God & her God, that he would turne from his hote wrath & displeasure, & turne to her with healing under his wings: That he would heale her backslideings, and love her freely: and that untill he be pleased to turne from the fiercenesse of his anger, his people may be blessed with Christian patience & submission under the mighty hand of God, & helped to hear the voice of the rode, & who hath appoynted it, & to turne unto him who smiteth, that he may binde up & heale that which he hath broken: That the iniquity of *Iacob* may be purged, & the fruite of all this may be, to take away sin: & at length his heart may turne within him & his repentings may be kindled together; that he may not execute the fiercenesse of his anger, nor returne to destroy *Ephraim*, seing he is God, & not man; For he is a God who is gracious, & long suffering, slow to anger, & of great kindenesse, & repenteth him of the evil, who knoweth if he will returne & repent, & leave a blessing behinde him?

That poor Church will be very far disappoynted of her expectation, if in stead of Christian sympathy, pity & compassion

passion, she shall meet with unbrotherly & unchristian dealing at the hands of any, & if there shall be any such as will be ready to condemne her, as suffering upon very slender & inconsiderable grounds, as it will be no small matter of grief & sorrow unto the already sorrowfull mourning Church, yea an addition unto her affliction, so it will yeeld these little comfort in the day when the cup shall passe over unto them, to reflect upon their unchristian thoughts, & sharpe censures of a poor member of Christ's body, while lying under the feet of oppressours, & such as said to her soul, bow down that we may goe ever. It is true, the infinitly wise God hath thought fit to try that Church with more searching tryalls then he did *England* & *Ireland*, & it was the policy of her adversaries to beginne with such small things, to the end, they might get such as they desired, drawne into their net, & then they were sure piece & piece to get them brought alongs, to countenance them in all their courses, as sad experience hath proved; For some, who at the first resolved to goe some length for peace cause, having no purpose to move one foot further, to whom if it had been then said, that, ere all were done, they would go such a length as now they have gone, with *Hazael*, they would have replyed *are we dogs to do such things*, are now going all the length desired, scrupleing at nothing which is a warning to all, to beware of the beginnings of a defection: And indeed for as great as the defection & apostasie in that Church, is at present, & for as great a conspiracy as is found among her prophets; If the tryall had been nothing more searching, then that wherewith the Neighbour Churches were tryed, there would not have been so many that would have depairted from their former principles, as there are, this day: And therefore it was a mercy unto many in these Neighbour Churches, that their sieve was not more narrow & searching: it is no small mercy unto particular persons, when they see their enemies in their owne colours, & the baite is not able to cover the hook, wherewith their adversaries think to catch them: And it is likewise a mercy (& will be so found & acknowledged in end) unto the Church of *Scotl.* that God hath followed such a way with her as shall prove most disco-

vering & consequently most purging, by making her drosse to appear, & bringing to light in a short time, more corruption & naughtinesse, then, in all probability, would have been found out, many a yeer, if God had not taken this course. But now, let none blame those who have desired to keep their garments clear, & to adhere zealously & constantly unto their former principles, & therefore have refused complyance in the least, & would not willingly quite with a hoof, or sell a bit of the precious truth of God: There is a time when such things are very momentous & considerable, which at other times seem not to be of much concernment: Armies may yeeld more unto their enemies at another time & place, then when they are keeping a considerable passe, the loseing of which would prove of great disadvantage unto themselves, & an in-let unto all the enemies forces: There is a time when such things must be stood at, which if abstracted from that time & place, would signifie little or nothing, whether done or not done: The giving of a book or of a piece of paper out of the hands of the martyres, was at that time, & as so circumstantiated, a maine businesse, when they were upon the poynt of avouching truth for God: A little matter when it becometh *Casus confessionis* is of great moment: *Mordecay's* beck is no small matter: *Daniel's* closeing of his windowes, is a great businesse, as it was then circumstantiated: And doolfull experience, in all ages, hath made it appear what mischief hath followed upon yeelding unto the adversaries in small-like matters, in the begining of a defection, what through inadvertancy, what otherwayes: by little & little the pope came to his throne, & not in one day: by little & little came prelats formerly to their height, in that Church; & therefore as before, so now the honest party thought themselves called of God, to withstand beginnings & not to cede in the smallest-like matters, when they saw that the opening of never so smal a passage, would be enough to occasion the drowning of all; as (according to the proverb) the brunt child doth fear the fire, so that Church cannot be blamed for keeping such a distance from that plague of prelacy, which formerly had brunt up & consumed all the vitals of religion, & the whole power of God-

Godlineſſe, & had made that Church to look like an harlot, & not like the ſpouſe of Chriſt; Eſpecially after God had wrought ſuch wonderfull deliverances unto her, & had graciouſly delivered her from that yron furnace, & with his out-ſtretched arme had brought downe all her enemies, Should they againe breake his commandements, & joyn in affinity with the people of thoſe abhominations, would not God be angry with them till he had conſumed them, ſo that there ſhould be no remnant nor eſcapeing? And it is very remarkable, that there are none who have hitherto rued their ſuffering upon that account, but rather they are all bleſſing the name of the Lord, for that he hath keeped them from yeelding in the leaſt; And though their adverſaries the prelats, be uſeing barbarous & inhumane, let be unchriſtian, wayes, to afflict them ſtill more & more, by procureing acts to be made, diſchargeing any Charity to be extended, to them or their families, who are now ſuffering for the cauſe of God; Yet they have no cauſe to compleane; God, for whoſe ſake they are ſuffering, is provideing for them, & with all is comforting them with the conſolations of the Holy ghoſt, ſupporting their ſpirits, keeping them from fainting, & encourageing them, ſo that they reſolve, through his grace, never to comply with theſe workers of iniquity, leſt they partake of their judgments: Yea they are perſwaded that if any members of the Chriſtian Churches abroad who had the root of the matter within them, were in their ſouls ſtead, they would no more comply with this preſent courſe of defection, then they have done, or deſire to do; So that, what ever can be looked for from men of corrupt mindes, & ſuch as are enemies to the truth & to the power of godlineſſe; Yet they are ſure that ſuch as know what it is to walk with God, to have a tender conſcience, & to make this their exerciſe to keep a good conſcience both towards God & man, will be loath to condemne them in the leaſt. Yea or if they ſaw what a deluge of prophanity, is now broken in upon theſe lands, what unparalleled wickedneſſe is there perpetrated, what abhomination of all ſorts reigneth ſince this courſe of defection was begun; Their hearts would tremble, & they would fear at ſuch a courſe, as is ſo deſtructive

to the Kingdome of God within, & so advantagious for the promoveing of the maine intereſt of Satan, & never acknowledge that to be a divine truth which is not after Godlineſse. Sure, there is a principle in all the godly which will incline them to affect that courſe beſt, which is moſt for promoveing the work of grace in ſouls, & abhore that which openeth a gap to all prophanity & licentiouſneſse: And though they could diſput none againſt ſuch a courſe, this were enough to make their gracious ſouls abhore it. Let none ſay that ſuch preciſeneſse, & refuſeing to cede in a little will prove deſtructive to the Church, by incenſeing the civil Magiſtrat the more; For God's way is alwayes the beſt, both for particular perſons & for Churches; & an inſtance cannot be showne where a Church by her faithfull adhereing to the truth of God, ſtanding to her principles, & refuſeing to goe back in the leaſt, hath ruined herſelf; But upon the other hand it hath frequently been ſeen, how a Church by her yeelding unto the ſnares of her adverſaries, through fear or prudence (falſely ſo called) hath brought ruine & deſtruction inſenſibly upon herſelf: The yeelding unto a little in the beginning of a defection, hath proven the bane & neck-break of Churches, cedeing to little formes at firſt, hath brought in the maſſe, at laſt.

But now it is hoped that ſuch as ſhall duely & Chriſtianly ponder the premiſſes, ſhall not account the grounds of the ſufferings of that Church & people, punctilioes, or inconſiderable triffles whatever ſuch as do not weighe matters in the ballance of the ſanctuary, but according to their owne phancies, may judge: And therefore it may be thought that ſtrangers who ſhall judge of matters according to the truth, ſhall rather ſtand aſtonished & wonder at the puſilanimity, & fainting of heart, which hath there appeared, at this time; & enquire what is become of that Spirit of boldneſſe, zeal, & courage, for the cauſe & truth of God, which formerly did act the faithfull miniſters & profeſſours of the Land? And where are all thoſe worthies, who ſet their faces againſt greater ſtormes, then any that hath appeared of late? And how is it that ſo many have out lived their own zeal, & faithfulneſſe, & by ſilence at

ſuch

such a time, when God, in his dispensations, did call upon them to cry aloud & not to spare, have betrayed the precious interests of Christ, which their predecessours valued beyond their lives? And how is it, that this generation hath degenerated, so far as their predecessours might be ignorant of them & not acknowledge them, & have forgotten their former zeal? May not the world wonder at this? But what wonder is it, that it be so, when now their rock hath sold them, & the Lord hath shut them up, when now the Lord hath been displeased and hath made them to drink the wine of astonishment, & for their provocations, hath taken spirit & courage from them, that they may know at length how evill & bitter a thing it is, that they have forsaken the Lord their God?

And therefore this dispensation of the Lord unto that Church, may & ought to be improved by other protestant neighbour Churches, as a warning from the Lord to repent, & returne unto him; for because of her backslideings hath the Lord brought all this upon her, & he is a jealous God who will spare none, but the greater their injoyments have been, when these are abused to licentiousnesse, & not improved for the glory of God, & the advancement of the work of reformation of Churches, & of particular persons, the sorer will the plagues & judgments be, with which he will visit such: It concerneth all about, & all who hear of the Lord's dealing with her, to repent, & remember from whence they are fallen, & to do their first works; for because of her departing from the love of her espousals, & the kindenesse of her youth, the Lord is now visiteing her with sore & sharpe rodes: Professions, yea large professions will not save in the day of God's anger: He searcheth the hearts & the reines, & he loveth truth in the inward parts, & therefore the faire flourishes of outward professions will not satisfie, if there be not more. Covenanting with the Lord will not hold off judgments, when conscience is not made of these covenants. And now it hath not been *Scotland's* Covenanting with God that hath brought all this upon her: But *Scotlands* dealing deceitfully in the Covenant; For so long as she was with some singlenesse of heart, aimeing honestly at the

promoveing of the ends of the Covenant, the Lord made her terrible unto all her adversaries, & made one chase an hundereth; But so soon as this vow was forgotten, & the ends thereof not sincerely minded & sought after, then the Lord departed from her, & she could not shake her self as before.

Finally, it would become all neighbour reformed Churches to be upon their guaird, for the same Spirit that troubleth that Church now, is the Spirit of *Antichrist* seeking to re-enter there after he hath been cast out, with all his appurtenances, in a most universall & solemne manner, & the door barred with solemne Covenants & oaths made unto the most high: And indeed hath gained great footing already; for there is more popery openly professed this day, then hath been openly avowed almost these hundered of yeers. And if *Antichrist* shall againe get possession there, any may judge what hazard other Churches are into, & what cause they have to withstand the same, & if they can do no more, for that effect, to pray to him, who will hear at length, that he would hasten that day, in his own time, wherein it might be said. *Babilon the great is fallen, is fallen, & is become the habitation of devils & the hold of every foule Spirit* —— so that *the Kings of the earth who have Committed fornication, & lived deliciously with her, may bewaile her, & lament for her, when they shall see the smoak of her burnings*, for he will at length *judge the great whore, which did corrupt the earth with her fornications, & will avenge the blood of his servants at her hand* & then shall that Church (being fully freed from the yoke of prelacy & other abhominations) with others, be glade & rejoyce, when that wicked, with all his appurtenances, shall be consumed with the Spirit of his mouth & shall be destroyed with the brightnesse of his coming. *Even so come Lord Iesus.* AMEN.

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